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AN EPOCH AND A MAN

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Dr. Ralph Adams Brown, Senior Editor

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IN THE NINETEENTH CENTURY

Under the General Editorial Supervision of
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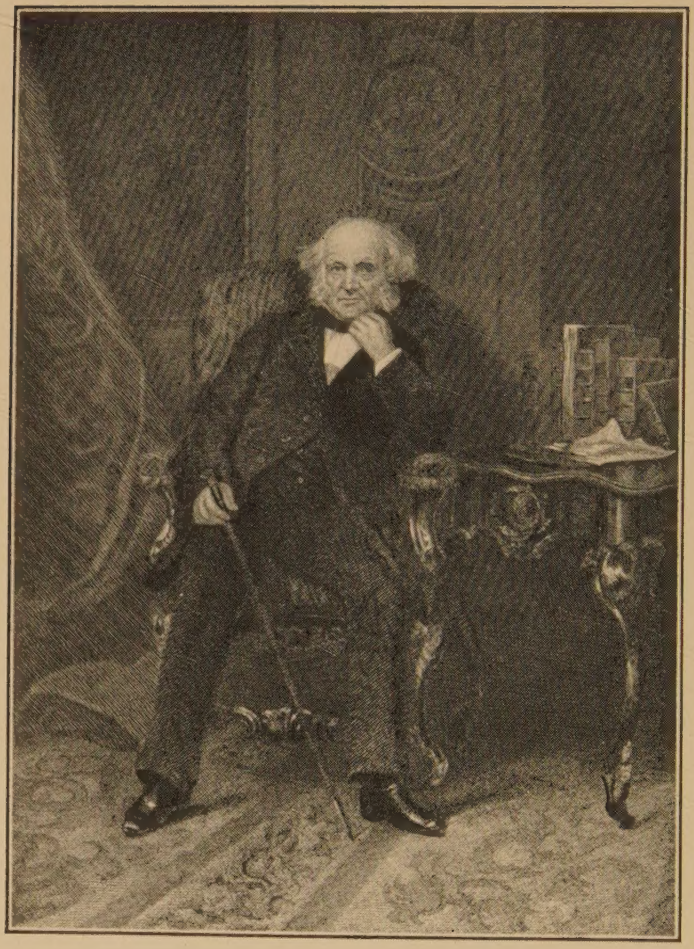

MARTIN VAN BUREN
From a photograph from life

AN EPOCH AND A MAN
MARTIN VAN BUREN AND HIS TIMES

DENIS
TILDEN
LYNCH

Framingham State College
Framingham, Massachusetts

Volume I

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AN EPOCH AND A MAN

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To

MY WIFE

CONTENTS

CHAPTER		PAGE
I.	Men Who Feared Not . . . . . The contract—Prayer and baptism.	15
II.	Two Who Were Never Parted . . . . . Buys Greenwich Village—Van Buren's boast—His birth.	20
III.	Some Things That Happened in the Van Buren Tavern . . . . . The unsought honor—The great at the tavern.	26
IV.	When We Danced the Carmagnole . . . . A republican ode.	30
V.	The Hardships of His Boyhood . . . . . His first case—Justice for the judge—The boy keeps the faith.	33
VI.	Persecuted for His Beliefs . . . . . His first convention—Hamilton's son—The assassination—Christmas suffering.	39
VII.	The Spoils System and Another Duel . . . A Scot who became Dutch—The second duel ends—Burr as an actor—Edward the Great—Aristides quotes Horace—Van Buren no longer fears hunger.	48
VIII.	He Resolves to Subordinate Politics . . . He rejects Burr—On freedom of opinion—Counsels Burr's second.	59
IX.	The Clintons War on the Livingstons . . . The importance of tavern keepers—The jest on the gallows — Improving on Periander — Van Buren's marriage.	67
X.	Surrogate . . . . . New York rebels.	75
XI.	His Encounter With a Van Rensselaer . . Noblesse oblige—Van Buren challenged.	79

CHAPTER PAGE

XII. He Acquires Newspaper Notoriety 85
Two dogs who snarled—Silenus laughs at Solon—Elected State Senator.

XIII. The War of 1812 Divides Us 91
The friends of peace—The mob—The cannon in the void—The dealer in flesh—Revolutionary heroes—The last stand—Maryland, My Maryland—The worm turns.

XIV. The Breakfast at Rosa Keese's Boarding House 109
Scavengers—The new leader at work—Waiving the classics—Clinton wronged—A master to the people—Opponents are traitors—Van Buren earns a kiss.

XV. His Humane Decision 124
The "Cow Case"—Fighting the banks—An old strain—Scott predicts—A great blackguard—Just another rebuff—The right to secede—Cæsar's extra.

XVI. Attorney General 140
His runaway slave—The sheriff who stole.

XVII. His Favorite Artifice 145
Allen's price—"Kick or be kicked."

XVIII. He Wars With Clinton 151
The snuffbox eloquent—Weak sisters—Meets a reverse—Clinton's star rises.

XIX. He Spurns Clinton's Peace Offer 161
How they used the Bible—His mother's faith—The secret plot—A widower—Jackson's "toast accurst"—Epistolary spouting—A punitive expedition.

XX. He Is Removed As Attorney General . . . 177
The Livingstons condole—Twenty gallons of wine—The sheep and the goats—An ancient device—The hand of tragedy.

XXI. The Starvation Laws 188
"A man or a pig"—Peterloo.

XXII. Rufus King's Debt to Van Buren 193
The spoils letter—The high minded—Prayer to a rhymester.

CHAPTER PAGE

XXIII. Shorn of All His Honors 200
The old order protests—Reform and revenge—The fox scents the bait—Rufus King reciprocates—The schools in politics.

XXIV. When the Dutch Rejected Him 211
The Convention—Palaver for The Patroon—The "Mad-caps"—"The poor ye have always"—The record remains—A speech, not an epigram—Restricted suffrage—"Thus gods are made."

XXV. United States Senator 229
Rufus King's odd rôle—A sordid scramble.

XXVI. Jefferson's Granddaughter Amuses 235
"Unprompt gallantry"—Sayings of Hibernicus—Clinton's scorpions.

XXVII. The Iron Hand 242
His Majesty, Noah I—An élite boarding house—Monks who may marry—A fly spins a web.

XXVIII. Leader of the Radicals 251
His "art and business"—Nativism—On Mr. Astor's manners—"Shallow knaves"—"Envenomed malignity" — Jefferson astonishes — Unclouded glories.

XXIX. His Followers Hanged and Burned in Effigy 266
Indians and wild Irish—La Fayette remembers—Killing a man too dead.

XXX. Intriguing Clay Out of the Presidency . . 273
King's man mystified—Clay fears militarism—The Patroon doubts—He prays.

XXXI. Adams Turns Against Van Buren 283
A father to his son—"Delicate and ensnaring"—Demosthenes drunk—Puritan and Blackleg—Punctilio—Pistols at ten paces—Clay asks a second shot—A new word—An audacious speech—Judges are human—An unkept promise.

XXXII. He Makes Use of Adams 307
A woman's way—What Buchanan did—A false bar sinister—The germ of bigotry.

XXXIII. How He Became Governor 317
Father to son—Perfume and gossip—A lovely act.

CHAPTER PAGE

XXXIV. SECRETARY OF STATE 324
Why Jackson wept—Two tragedies—Friday finds a valet—"My Dutch brother"—Peggy O'Neale snubbed—The ladies conspire—Springing the mine—The prologue—A statesman's reward—"An old man, broken . . ."—Livingston muses.

XXXV. MINISTER TO ENGLAND 346
Wassail—The indictment—Marcy revises Livy—"You will be made V. P."—"The monster."

XXXVI. VICE PRESIDENT 357
A Tory's farewell—Society's new lion—A cellar and a closet—Harpies of the Republic—Orestes to Pylades—A petty Louis XVI—Jackson's prop—A pinch of snuff—Feast and forget—A State indorses a mob—A duel or a beating—Presiding with pistols—The dynasty dies hard—Burn books and hang men—An oration in Dutch—Jackson's guide—Adams makes comparisons—A just stand—Victory—Hungry men—After the riot.

XXXVII. PRESIDENT 400
A distant ray of light—A tribute and a prayer—Progress makes a panic—Hone's dire prophecy—A man attacks a citadel—A world revulsion—The Panic Session ends—An epic battle—The midnight massacre—A trying hour—"Our Prince John"—The first fifty years—A veteran is humored—striking a balance.

XXXVIII. A PRESIDENTAL TOUR 428
Honors—Snubs—The heart has a tongue—The champagne dinner—Roses and hyacinths—The old man eloquent—The Bank collapses—A sneer may be immortal—The gold spoons—Prince John's toast—An appeal to the senses—A lion and a lioness—"Van is a used-up man"—A nation sings—An advertisement—Strange pipe-layers—Van Buren's blow—"Nothing to regret."

XXXIX. HOW HE ENDURES THE REVERSE 465
Triumph in defeat—Fair-weather friends—Pity for the victor—A gala performance—"Thrice welcome home"—In retirement—Impeaching a President—The second conspiracy—Bryant pens an

CHAPTER PAGE

epitaph—Rare courage—Spurning the Presidency —The two-thirds rule—Slavery ascendant—The first dark horse—The white oak.

XL. The Idealist 496
His father's footsteps—Prince John in jail—A poet's humor—Polk's treachery—Idealism embryonic—". . . and fellow-traitors"—Colonel Van Buren—The root of the evil—A call to arms —The Buffalo convention—The banner of Free Soil—A wag of Virginia.

XLI. The Free Soil Movement Gains 520
One woman's "No"—The lethal cup—Literary labors—Seward fans the flames—Van Buren goes to church—The other John Brown—Van Buren's slogan—Reënters Peggy O'Neale—His "happiest years"—Lincoln's policy—The farewell letter —The last salute.

LIST OF ILLUSTRATIONS

MARTIN VAN BUREN . . . . . *Frontispiece*
From a Photograph from Life

FACING PAGE

MARTIN VAN BUREN'S BIRTHPLACE 24
Etched by Edith Nankivell after a Contemporary Woodcut

HENRY CLAY 48
After a Mezzotint by H. S. Sadd

MARTIN VAN BUREN 96
After an Engraving by H. W. Smith. (The earliest likeness)

ALBERT GALLATIN 148
From the Painting by Chappel

MRS. MARTIN VAN BUREN 164
After an Engraving by J. C. Buttre

WILLIAM L. MARCY 192
After an Engraving by J. C. Buttre

JOHN VAN BUREN 256
After an Engraving by J. C. Buttre

MARTHA JEFFERSON RANDOLPH 288
After an Engraving by J. Serz

ANDREW JACKSON 336
After an Engraving by H. B. Hall

EDWARD LIVINGSTON 352
After a Drawing by J. B. Longacre

MARTIN VAN BUREN 384
From a Painting by Inman

SMITH THOMPSON VAN BUREN 416
From a Tintype Owned by Ellen Van Buren Pell

ANGELINA SINGLETON VAN BUREN 448
After an Engraving by J. C. Buttre

MARTIN VAN BUREN 480
After an Engraving by H. B. Hall, Jr.

MARTIN VAN BUREN 544
The Last Photograph, Taken in 1862

AN EPOCH AND A MAN

AN EPOCH AND A MAN

Martin Van Buren and His Times

CHAPTER I

JASPAER FERLIN could read and write, so he sat himself down in the dimly lighted notary's office in Amsterdam, and laboriously perused the parchment which bound him to sow, grow, and cultivate tobacco in the New World for a term of three years, as the *bouweknecht* of Marinus Adriaensz van der Veere. After signing the contract, he handed the quill to Marijin, as Marinus was called in the vernacular. Then Marijin read aloud the document to which Jaspaer had scrawled his name while three other young Dutch farmers listened. Eyes bulged as they heard the provision in the agreement stipulating that in the event of discovery of "any mines, minerals, pearl fisheries or the like, they shall disclose the same to no one but the Patroon or his agents, who shall make them a handsome present therefor according to the importance of the matter." There were gold and silver and pearl fisheries over there! The contract further bound them to "submit themselves to the sovereignty of the High and Mighty Lords the States General of these United Netherlands, to the supreme power and direction of the Chartered West India Company in general, and of the aforesaid Rensselaer in particular." And Marijin wrote the names of the three dreaming farmers, and they in turn scratched their marks: whereupon Marijin heaved a sigh of relief. He had labored three or four months without rest to find farm servants who would meet with the favor of Kiliaen van Rensselaer, wealthy diamond merchant of the city, whose grant of land running twenty-four miles north and south, and forty-eight miles east and west, with the North, or Hudson's, River dividing the manor in equal halves, would not be valid until he had colonized it.

One of the farmers who bound himself to toil in the New Netherlands near Fort Orange, destined to be the site of New

York's State capital, was described in the contract as "Cornelis maesen van Buyrmarsen." This was the notary's misspelling of Buyrmalsen, or Buurmalsen, a hamlet near Buren, in the province of Gelderland. And all that is known of the ancestry of Cornelis is told in this brief line which translated reads: "Cornelis son of Maes of Buurmalsen."

This contract was signed and dated the 27th of May, 1631. On the first Monday of the following July, the Jonker, Kiliaen van Rensselaer, appeared before the Amsterdam Chamber of the West India Company, of which he was a director, and obtained permission to ship on the *d'Eendracht*, Marinus van der Veere and the three farmers, together with the wife and child of his agent, eight heifer calves, material for a saw and grist mill, millstones, hoes and other implements of husbandry. We know from the Van Rensselaer Bowier Manuscripts that all arrived safely at Rensselaerswyck, save one of the heifers, which did not survive the rigors of the voyage.

Before the year 1633 Van Rensselaer—we shall henceforward use a capital V after the manner of later days—had complied with the terms of the grant. He had settled fifty males above the age of fifteen years on his manor on the upper Hudson. But to the Patroon the settlement of the Rensselaerswyck was only part of a broader scheme, the colonization of all the New Netherlands, that the sturdy ships of the Company might have a station in the New World where they could obtain grain, cattle and other supplies on their voyages between the homeland and their destinations in the fabled West Indies and the still more fabled Brazil. He induced many farmers to settle in Manhattan; and his only act of folly, or rather bad judgment, was his advocacy of the appointment of the vacillating Wouter Van Twiller, husband of his niece, as Governor of the New Netherlands. Equally important with the cultivation of the soil and the protection of its tillers from hostile Indians was the collection of funds to support a minister and a schoolmaster; for this, too, was a condition under which he held the land as a perpetual fief from the Company. Van Rensselaer and his agents had complete jurisdiction in civil and criminal cases, including the power of capital punishment. When the extreme penalty was imposed the condemned was returned to Holland where his appeal was heard and his fate determined. The

Patroon appointed the magistrates, and exercised other manorial rights, including "hunting, fowling, fishing, and the rights of the wind." And he maintained an armed force for the common weal.

The record is silent respecting Cornelis Maesen until the summer of 1634, when we find that on August 2 he was charged twelve guilders and eighteen stivers for clothes and brandy. As nothing stronger than wine could be retailed in the colony under the Dutch régime, we know that Cornelis bought a wholesale quantity of this most potent of firewaters. The amount charged against him represented $5.16, a sizable sum for those days, when it is recalled that eight years before the Indians sold the entire Island of Manhattan to Peter Minuit, Van Twiller's predecessor, for sixty guilders, or twenty-four dollars. The terms of Cornelis Maesen's contract stipulated that he "shall receive the first year f60, the second year f70, the third year f80"; and he was advanced twelve florins or guilders upon signing the contract with his mark.

Shortly after the $5.16 was deducted from the $92 he earned in his three years' service to Marinus Adriaensz van der Veere, agent of the Patroon, Cornelis returned to the Fatherland where his brother Hendrick lived, and likewise a little maiden named Catelijntje Martense, daughter of a man named Martin. Catelijntje lived in the ancient town of Houten, a brisk morning's walk from Cornelis's own village of Buurmalsen. Nothing save love or high adventure would induce a man to cross and recross the Atlantic three hundred years ago in a small wooden ship that took months to make the stormy passage. And that Catelijntje looked upon Cornelis with more than passing affection is evidenced by her accompanying him to the New Netherlands to brave the perils of the most primitive frontier life. The date of their marriage is not known, but it was probably in the latter part of 1635 or in the early months of 1636.

No record exists of the contract under which Cornelis came to this country the second time; but letters of the Patroon reveal that Cornelis had a lease direct from him and was not beholden to any other man. He now had his own farm—as a tenant of Van Rensselaer. This agreement was executed in the summer of 1636, and, with this in his pocket, he persuaded a young farmer, named Cornelis Teunisz, from Westbroeck, in his wife's Province

of Utrecht, to go along as his farm laborer, as he had gone with Marinus Adriaensz van der Veere five years before. And on September 25, Cornelis, his wife, and his *bouwknecht*, sailed for the wilds of the New Netherlands in the ship *Rensselaerswyck*.

The commander of the vessel, Captain Jan Tjebkews Schellinger, being prudent, sailed for England, and made inquiries at Plymouth, Falmouth, and other ports for ships bound for the New World. Schellinger was not concerned over the personal valor of his crew; for these seemingly peaceful Dutchmen were ready to fight at the drop of the hat; or even on less provocation when liquored up. There was more safety in numbers from marauders at sea.

One of the crew who had signed a contract to work as a smith on the Patroon's manor, after filling himself and his assistant with many and varied drinks in an English tavern, picked a quarrel with his apprentice, who felled him with a stout blow. The smith was taken aboard and nursed by his wife while the prow of the *Rensselaerswyck* was pointing toward the final goal of most on board. And when her nursing was over the widow of the smith turned her attention to the wife of Cornelis Maesen, who was in need of the solace and attention of one of her own sex. We find in the ship's log under date of Friday, January 3, 1637, this entry: "About two o'clock in the night a boy was born. His mother is Caetelin." The Captain had his own way of spelling the name of the wife of Cornelis. Three months and one day later, on Wednesday, March 4, 1637, the *Rensselaerswyck* dropped anchor in the harbor of New Amsterdam, hard by the cluster of huts nestling under the walls of the fort above which floated the orange, white, and blue tricolor; and against the eastern sky were silhouetted the vanes of Van Twiller's windmill. "God be praised for our safe voyage thus far," the pious sailor wrote in the log that day.

In the first boatload ashore were Cornelis Maesen, and his wife, and their infant son, accompanied by their faithful friend and servant, Cornelis Teunisz. Catelijntje pressed her child a little closer as they passed groups of Indians who were trading rich peltries of beaver for knives and beads and other trinkets. The place was swarming with soldiers. Presently the little party arrived at the wooden church, a few steps from the fort, situate

on what is now Pearl street, between Broad and Whitehall streets. And as they prayed in the dimly lighted, barn-like structure, even the mother, had she been vouchsafed the vision of the destiny of the new land, would have doubted that one of her descendants, two hundred years from that very day, would be made the ruler of a mighty nation; for it was on March 4, 1837, that Martin Van Buren was inaugurated the eighth President of the United States. The next Sunday, all four paid a second visit to the church, and Dominie Everardus Bogardus baptized Catelijntje's first-born Hendrick.

For twenty-two days the *Rensselaerswyck* lay at anchor off the fort; and on March 26, being assured by Indians and traders who came from the north, that the ice in the river had broken up, Captain Schellinger hoisted sail and began the last lap of his voyage. In the evening of that day, he cast out anchor at Sapokanican, in later years the village of Greenwich, and now part of New York City. A dozen more days the *Rensselaerswyck* battled the icy river and the head winds from the north; and on Tuesday, April 7, the ship anchored off Fort Orange, "the end of our voyage upward," as the log of Captain Schellinger has it.

CHAPTER II

Fort Orange proper was "a miserable little fort built of logs," with eight or ten guns—"four or five pieces of Breutil cannon and as many swivels." The settlement, as Father Jogues found it some seven years after Cornelis Maesen and his family became part of it, consisted of "about one hundred persons who reside in some twenty-five or thirty houses built along the river." The soil on the margins of the stream and on the islands near the post alone was tilled. Wild berries grew in abundance, and native grapes, white and blue. The waters teemed with the majestic sturgeon and lesser fish. Turkeys, teal, swans, geese and pigeons flocked by the thousands. Deer were so plentiful at times that the Indians sold them for a loaf of bread, a knife, or a tobacco pipe. De Vries noted on December 30, 1639, that the usual price of a deer was "cloth worth six or seven guilders."

Cornelis worked hard. And with him slaved, and willingly, his *bouwknecht*, Cornelis Teunisz from Westbroeck, who, at the end of six years fared forth as his own master; and in time was appointed magistrate of the colony. From the Patroon himself we learn, that in the year of the visit of De Vries to Fort Orange, Cornelis was building a dwelling house for himself and his growing family. Again, when the Patroon found that his agent was having trouble with some of the farmers over the terms of their leases, he wrote him to consult with the farmer from Buurmalsen. In another letter from Amsterdam the Patroon directed his representative to let Cornelis Maesen have a fair choice of the farm workers who were about to arrive in the settlement, because, as Van Rensselaer put it, he had been very helpful to him. Cornelis was prospering.

We gather from the Patroon's correspondence that his gratitude toward this unlettered farmer arose from his capacity to smooth out the difficulties between the Patroon's agent and the dissatisfied tenant farmers, persuading them to live up to the spirit of their contracts, which usually called for one-tenth of

the produce of the farm. The Patroon would not yield in these disputes. He was charitable at home, where he was one of the founders of the orphan asylum at Nieukirk, and generous to his tenantry here. We find him ordering his officer not to look for rent from this one for a year, or another for two or three years, because things had not gone well with them. But he could not bear the very thought of being imposed upon. "I do not want to be defied by those I have made men," he once wrote.

In 1644, when Cornelis was a tenant farmer for seven years, he paid in tithes one hundred bushels of wheat, oats, and rye, "and some peas." His annual yield must have averaged at least a thousand bushels of grain, for two years after this sole remaining record of his earnings, he bought "a house and plantation" from Volckert Evertsen on the Island of Manhattan. The property adjoined that of Wouter Van Twiller and Thomas Hall. The latter was a leader on the unsuccessful expedition of the English against Fort Nassau. The plantation was in the heart of the place called Sapokanican, and extended north from Christopher street to Fourteenth street, and westward from a line near Greenwich avenue to the North River,—the boundaries, roughly, of New York's present-day Greenwich Village. The date of the purchase was October 24, 1646.

It is not difficult to imagine the thoughts of Cornelis Maesen when he obtained the deed to this plantation on the Island of Manhattan itself, close to a ready market in New Amsterdam, where one met men from all parts of Europe, and what was even more pleasing to call to mind—there would be no more tithes to the Patroon. All that he raised would be his own. It is fair to assume that in the beginning of the year 1648, after he had held title to the farm on Manhattan Island some fifteen months, he thought of removing to his own place.

Cornelis and Catelijntje now had five children; Marten, who was next to Hendrick; Maes, barely a head taller than his sister Styntje, and little Tobias, a babe in arms. There would be many heartbreaks in Rensselaerswyck when those children set sail for New Amsterdam, some 145 miles south, for every one in the settlement loved them. None would miss them more than Cornelis Teunisz from Westbroeck, who came over with their parents, and was uncle to all of them.

Hendrick, just turned eleven, could almost do the work of a man. And so could Marten. As for babbling Styntje, she was breaking hearts even now. We can hear the fair Catelijntje, her mother heart beating faster with every word of praise, forcing from smiling lips a gentle reproof to Uncle Cornelis, and the steadfast friend vigorously protesting that no one could spoil such children.

In the midst of all this happiness the tragedy which stalked the family fell upon them, staggering the little settlement; and for years no one talked of it save in whispers. Such was the lasting impression it made that early translations of the records of Rensselaerswyck retain the line in the original: *Beyde op eenen dagh zyn begraaven*—Both were buried on the same day. The date is given as "about April 8, 1648." On the following Shrove Tuesday, the farm implements, stock, and household effects were auctioned off, and Uncle Cornelis became father and mother to the five little children. The plantation and house on the Island of Manhattan was sold to Rutger Jacobsen for 1,500 guilders. He paid part in wampum, or seawant, and was slow in paying the remainder; for nine years later, on January 13, 1657, he was haled before Deputy La Montagne and acknowledged a debt of 660 guilders on the "parcel of land in Manhattan," promising to pay within a year "in good strong seawant," with interest in beavers.

Uncle Cornelis always kept a watchful eye on the children of his friend and one-time master, and there exists an affidavit, dated August 19, 1662, wherein he described himself as formerly a magistrate; and that he came to this country in 1636 in the ship *Rensselaerswyck*, in the service of the said Cornelis Maesen; that he served him for six years and that the said Hendrick Cornelis Maesen was born on the ship, and that all the other children were born here.

This affidavit was made to identify the children of Cornelis and Catelijntje Maesen as the niece and nephews of their father's brother, Hendrick, who had died in Cuijlenborch, leaving them his heirs. This is all that we have regarding the relatives in the Netherlands of Cornelis Maesen. The affidavit, which is supported by Jan Verbeeck, "formerly Councillor of the Colony of Rensselaerswyck," is likewise of value in definitely establishing this country as the birthplace of Marten, the second son, and not

Houten, as asserted by some genealogists. Marten, Maes, Styntje, and Tobias were born on the farm leased from the Patroon in Greene Bosche, or as it was spelled when many of the old Dutch place names were Anglicized, Greenbush. The leasehold is placed both on the eastern bank of the Hudson, and on Papcanee, or Papsknee Island; and although there is nothing determinative in the documents, their study inclines to the conclusion that Cornelis Maesen's farm was on the island.

Where or how the children lived after their bereavement is not known; but the records they made show that they inherited in full measure the qualities of leadership of their father. This was especially true of Marten, the American primogenitor of the President whose proud boast was that he was the first head of the Republic to be born after the Colonies had declared their independence. Marten, in 1700, was a Captain in the command of Colonel Pieter Schuyler, and in the same outfit we find as Major, Dirck Wessels Ten Broeck, free merchant, one of the first aldermen of Albany, recorder of the Colony and, more important to us, husband of the charming Styntje. Hendrick, too, was a soldier, and served in the Patroon's forces which manned Fort Cralo, on the Van Rensselaer farm at Greenbush, when word reached the settlement in the summer of 1663 that the Indians had massacred the Dutch at Esopus, some sixty miles down the river. Maes, for some baffling reason, when the Dutch began to use surnames, following the English occupation in 1664, called himself Bloemingdael. Tobias alone died without issue.

The descendants of Hendrick and Marten called themselves Van Buren, because of an error of their father, whose boyish recollection of the pronunciation of Buurmalsen, their father's village, was Buren Malsen, as they spelled it in the power of attorney executed for their sister and two brothers in applying for the inheritance left by their uncle Hendrick.

About this time Marten married Maritje Quackenbosh, who bore him nine children on the farm on Constapel's Island, near Albany. A year before the birth of the third, who was called Pieter, Marten acquired title to part of a large tract of land at Kinderhook, which had been purchased from the Indians in 1666 by Styntje's husband, for himself and Pieter, and two of their neighbors.

At the age of twenty-three, on January 15, 1693, Pieter married Ariaantje Barentse and settled on his father's farm, sixteen miles south of Albany. Nine children were also born to them. Their second child was baptized Marten. When Marten Van Buren arrived at the age of twenty-eight he married Dirckie Van Aelstyne, and like his father and grandfather before him, he was the parent of nine children. His fifth child was baptized Abraham on February 27, 1737. This fixes his birth as about the 17th of the month, as it was the custom in the Dutch Reformed Church to christen a child when he was ten days old.

The farm house in which Abraham was born was a long, low, clapboarded structure, one and one-half stories high. The roof was steep, the better to shed the heavy snows. Two brick chimneys at either end of the house, with their comfortable fireplaces, were familiar to stagecoach passengers on the old New York and Albany Post Road in Abraham's youth, if not before his birth. Prior to the late fall of 1759, when Abraham was twenty-two, there is no record extant of the farm house being used as a tavern; but tradition has it the stopping place of soldiers of George II throughout the whole of the six years' campaign against the French in their marches between New York City and the Canadian frontier. Immediately adjoining was a smaller structure, somewhat similar in design. This was the kitchen for the patrons of the inn.

Nearly three months after the surrender of Quebec, Colonel James Montresor, Chief Engineer in the Provinces of the forces of George II, set out from Albany for New York in four sleighs. On Saturday, December 15, a cold northeast wind brought a heavy fall of snow, delaying his departure until noon of the following Tuesday, and in the late afternoon, Montresor drew up at the swinging sign in front of Van Buren's tavern. Snow and the growing darkness partly concealed a pawing horse of black and red and gray, the proud work of the forgotten village artist.

We can see the upper half of the door open gently; then the remainder of the door swung back by a black slave, while Mine Host Van Buren rushes out and bows the Colonel in, bidding him welcome in broken English; later we hear him shouting in Dutch to the negro to heap more logs on the fires; now

MARTIN VAN BUREN'S BIRTHPLACE
Etched by Edith Nankivell after a contemporary woodcut

he is personally waiting on Montresor in the private room, pouring the wine and serving the spirits, while voices are muted in the tap room, as is the custom in respectable inns when one's betters are supping. Van Buren's was not a tippling house for teamsters.

In the morning this quiet soldier and maddeningly laconic diarist resumed his journey, taking a full week to reach the city.

And Abraham continued to preside over the tavern which he inherited from his father along with the land and the slaves; and cultivated the farm, selling the surplus to neighbors. Sometimes he sold to those who never paid, and ofttimes gave of his store to the needy. He was the most popular man in the village, but his lack of thrift caused the good wives to warn their daughters against accepting the attentions of Abraham Van Buren. Little did this worry Abraham, who never knew the lack of boon companions to while away the heel of a dull evening.

Then came the Revolution, and the peaceful Abraham found his fixed ideas of thirty-nine years turned topsy-turvy. He who a few days ago was without an enemy, now found himself hated by the Tories of the neighborhood. Next he astonished his Whig cronies as much as if he had joined the supporters of the Crown by marrying the Widow Van Alen, ten years his junior. There was more of the love of pity than love of the senses in the heart of the bachelor turned benedict, although the Widow Van Alen was good to look upon. The only dowry she brought him was three little children: two sons and a daughter. And she bore him five children, the first two being girls, Dirckie and Jannetje, who were born while the guns of the revolting Colonists were thundering their pæans to the Rights of Man; and then came Martin, and two other sons, Lawrence and Abraham.

CHAPTER III

MARTIN VAN BUREN was born December 5, 1782, and was baptized by Dominie Johannes Ritzema ten days later in the Dutch Reformed Church at Kinderhook, where his uncle Pieter Van Beuren, a deacon of the church, and Catarina Quackenbosh promised to see that he would be brought up in the faith of his fathers. That Christmas Eve! The infant made it seem as no other Christmas before to Mine Host Abraham. Two daughters had come first and he was beginning to doubt that he would have a son. Not that he did not love those two lovely little girls and the three children his wife brought as her dot; but this baby was his own son. And he sang with the children the Christmas song that he had sung as a child, as his fathers before him:

Sint Nikolaas, goed heilig man!
Doe je beste tabbard an;
Rydt er mee naar Amsterdam,
Van Amsterdam naar Spanje,
Van Spanje naar Oranje;
En brengt de kinders wat:
Noten van Muskaat,
Appeltjes van Oranje,
Pruimpjes van Spanje,
Peertjes van die hogenboom—
Sint Nikolaas zal koom!

And all the grown-ups took up this invocation to Santa Claus, none doubting that the good holy man would put on his best cloak and ride to distant climes and return with nuts from Muscat, apples from Orange, plums from Spain and pears from the high trees. And how fervently the children sang the last line: St. Nicholas shall come!

Then slender white clay pipes, a yard and a half long, were taken from their deep box-like repository on the wall, filled with home-grown tobacco; and Schiedam was poured and a toast drunk to the holy friend of the children. There was much twitting

of the older ones. Any wrongful act done during the year, no matter how well concealed, would be revealed on the morrow, for *goed Sint Nikolaas* would put a twig of the silver birch in the culprit's stocking. The very little tots firmly believed this, and some had trouble in finding sleep on the night before Christmas; but their seniors who could remember distinctly four or five Christmases, smiled knowingly. They knew that this was teasing invention of the grown-ups; for never yet had Santa Claus put a piece of birch in their stockings; although all, in their innocence, thought they richly deserved it.

In the midst of the merry-making sleigh-bells were heard outside. The sleigh stopped at the door. Some of the juvenile hearts beat faster. Could it be *goed Sint Nikolaas?* Hopes were dashed when it was discovered that it was only a late traveler, and one who spoke only English at that! The Yankees—all who were not Dutch were Yankees—called *Sint Nikolaas* by a most amusing name: Father Christmas.

It was a real merry Christmas. The war was over and the signing of the articles of peace was daily expected. Meanwhile New York continued to be governed by George Clinton who, in the following year, made the father of little Martin a Captain of militia, an unsought honor that sat irritatingly on him. He was flattered, but he knew nothing about troops. True, he could handle a musket or fowling piece as well as the next. But drilling troops was beyond him. So in time he resigned his commission, which had been given to him because of his influence among the Whigs. His tavern was used as the polling place during the three days of election, a circumstance which made it the rendezvous of partisans throughout the year.

Only those possessed of freeholds could vote under the State constitution adopted in 1777. The wealthier, who owned land worth £100—a pound in New York currency had a value of $2.50—over and above all debts charged thereon, were privileged to vote for all elective officials; but the less fortunate, freeholders with an equity of £20, might only vote for members of the Assembly; and the same privilege was extended to those who paid forty shillings a year rental. All the Van Burens in Kinderhook of voting age—and there were a few—could qualify under the first provision: seven of them were listed as owners of slaves in the

first United States census, Martin's father owning six negroes in the year 1790.

This wealth of the tavern-keeper was more fancied than real. He was noted for his improvidence, and had borrowed on all he possessed. Quackenbosh's tavern was taking much of the custom that had originally been his; and his wife, noted for her sagacity, grew daily more concerned over the fate of the family. It was plain that the education she had hoped for her children could not be theirs, save by dint of the hardest of personal struggles and self-sacrifice. And a little property—a freehold of the value of $250—and education were alone required to enable a youth to become like those who sometimes stopped at the tavern. Even little Mat had to work most of the year. He made occasional visits in the winter months to the village school, half buried in a knoll, where the light was so miserable that it was difficult to read. After school, on many a winter afternoon, little Mat trudged through the snow, dragging a sled weighted with vegetables to the home of some more fortunate family.

It was a pity, thought the mother, that he should have to labor so hard when he should be studying. The schoolmaster said Mat could write better English than any one else in his class. The boy was a great talker and was never at a loss for a word, and this natural talent was whetted by the badinage of the patrons of the tavern. It did seem wrong that this yellow-haired stripling with his merry laughing blue eyes should be kept at work more fitted for a man, or at least a husky boy of twelve; he would not be that old for another two years. In these times of depression she would fall back on her faith in a crucified Jesus, and recall the words of the Twenty-third Psalm. The words she knew were in Dutch: she had never heard their English equivalents.

As the children grew up they learned the language of the Yankees, although at the family table Dutch was spoken. Much of the talk in the tavern was political, and little Mat, as he listened, observed that no matter how warm the argument waxed, his father kept silent, or maintained a strict neutrality, as behooved those who presided over these places that have long since been only memories. And as election time drew nigh, most of the lawyers of the county, and some from Albany and New York,

stopped at the inn, and after a drink or two, were ready to harangue all who would listen. They never lacked an audience. They bought drinks for all.

It was a feast for eye and ear to visit the tavern on these occasions. These canvassers wore richly colored coats and breeches of velvet, silken hose, silver buckles, and cocked hats set on their powdered wigs; and talked as only the richly dressed could talk. Kinderhook then was the center of everything on the west bank of the Hudson between Albany and Poughkeepsie: the City of Hudson, which was later to supplant it in importance, was but a small settlement of Rhode Island Quakers. And to feel the pulse of this vast territory with its thousands of votes, one had to visit the taverns. Alexander Hamilton, Aaron Burr, and John Jay were patrons of the Van Buren inn. All these were frequent visitors at the home of the wealthy Peter Van Schaack —whom Jay welcomed back in 1785 after he returned from his banishment to England for his Toryism—and at the home of another rich Kinderhook family, the Van Nesses, whose place lay some two miles south of the Village.

CHAPTER IV

When Martin had passd his tenth birthday he heard strange talk in the tavern: men were publicly rejoicing over the beheading of Louis XVI; strange stories of stranger scenes in the large cities were told; and there was much said of heroic France fighting the rest of Europe to save the republic she had established. This was dividing the people: some favored active support of the French cause, while others were for following the course mapped out in Washington's proclamation of neutrality. None of the tales recounted in the tavern could exaggerate the actual happenings in New York and Philadelphia after the arrival of Citizen Edmond Charles Genêt, minister from France, in the spring of 1793.

After Genêt landed from the French frigate *L'Ambuscade* at Charleston, the ship preceded him to Philadelphia seizing English vessels along the way. A series of banquets were given the impetuous young Frenchman at the Nation's Capital. Through the quiet streets of the staid old Quaker town the French sympathizers paraded, singing the Marseillaise, and performing that mad dance of the French Revolution, the carmagnole: the burden of the sanguinary song that accompanied it was borne by students, creoles from the West Indies, and other French refugees who had sought sanctuary in the city.

In Girard Square stood a pole topped with the red cap of liberty. School boys and girls, dressed in red, white, and blue, made a demonstration in front of the residence of the British minister. On the night of May 23, at the dinner given in honor of Genêt, attended by Governor Mifflin and other Pennsylvanians of note, a roasted pig which graced the table was accorded the name of the executed French King, and the head of the porker was severed from the body to symbolize the fate of the luckless monarch. The head was presently carried on a salver to each guest, who, as he donned the red cap, mangled the pig's head with a table knife, and exclaimed: "Tyrant!"

Jefferson, then Secretary of State, indorsed Genêt's mission,

saying: "He offers everything and asks nothing." Quasi-secret organizations were formed, patterned after the Jacobin Clubs of Paris. They were called Democratic Clubs or Societies; their members addressed each other as citizen and announcements of marriages of these French sympathizers told of the wedding of Citizen John Doe to Citizeness Mary Roe.

Toasts were drunk everywhere to the success of the armies of France. In Philadelphia, in violation of Washington's proclamation of neutrality, Genêt was fitting out a privateer when stopped by Governor Mifflin. Undaunted, the Frenchman left for New York, where salvos of cannon and the pealing of bells announced his landing; dinners were given in his honor, and the carmagnole was performed in the streets of Manhattan Island; and tri-colored cockades were worn by many citizens. At all these assemblies the Marseillaise was sung; but the extreme was reached at a meeting of the local Democratic Society where this parody of "God Save the King," written by Thelwall, an English republican, was chorused:

God save the guillotine!
Till England's King and Queen
His power shall prove;
Till each anointed knob
Affords a clipping job,
Let no rude halter rob
The guillotine.

France, let thy trumpet sound—
Tell all the world around
How Capet fell;
And when Great George's poll
Shall in the basket roll,
Let mercy then control
The guillotine.

When all the sceptred crew
Have paid their homage due
The Guillotine
Let Freedom's flag advance
Till all the world, like France,
O'er tyrants' graves shall dance
And peace begin.

Associations of merchants throughout the North held counter demonstrations, and condemned the fitting out of French privateers. Jefferson had now repudiated Genêt, and joined with Washington in demanding his recall. John Jay and Rufus King in a letter to a New York newspaper accused the minister of having threatened to appeal to the people from the Government's refusal to lend aid to the French in accordance with the Treaty of Alliance of 1778. But Genêt did not leave the country: the guillotine awaited him in France. To the ægis of Governor Clinton he owed his safety, whose daughter he married; and he spent the remainder of his life as a gentleman farmer.

The political activities of Genêt widened the gulf between the Federalists and the Anti-Federalists; and the latter began to be known as Republicans. The Federalists, under the leadership of Hamilton, derisively dubbed the Republicans democrats, by way of perpetuating the memory of *L'Ambuscade*, which Genêt had renamed *Little Democrat*. Jefferson, whose ardor for the French revolutionists never waned, accepted the tag as a badge of honor, and the Republicans referred to themselves as democrats, spelling the word, however, with only a small *d*. It was to be many years before the name was to denominate a party. Of course the Republicans did not turn the other cheek. The Federalists were pro-British and their leaders had been bribed with British gold. The proof? The charge was repeated. This is supporting testimony on the hustings.

Abraham Van Buren was an ardent Republican. His son Martin also professed the faith of Jefferson.

CHAPTER V

Young Martin's brief schooling ended before he reached his fourteenth year, but by that time he had put in some periods of study at the Kinderhook Academy—no one knows how much scraping his mother did to manage this—where he learned the rudiments of Latin, and not much else besides. Until he was well on in years he wrote a most atrocious scrawl. In the summer or very early fall of 1796 Martin was articled to a lawyer. Washington had declined to be a candidate for a third term, smarting under attacks couched, as he phrased it, "in such exaggerated and indecent terms as could scarcely be applied to a Nero, to a notorious defaulter, or even a common pickpocket." They derisively called him the Stepfather of His Country. He said that he would rather be in his grave than in the Presidency. But the hatchers of campaign canards had not drawn upon the argot of the brothels; this was to await a later day, when Van Buren's opponents fashioned a bar sinister in their forge of falsehoods, and held it up to public gaze with an elaborately embroidered tale purporting to account for it.

Young Martin's employer was Francis Silvester, a just and honorable man, son of Judge Peter Silvester, "the first lawyer of Kinderhook," statesman and jurist, who married a sister of Peter Van Schaack. He was related to nearly every one of importance throughout the countryside. There was high honor in serving as Francis Silvester's law clerk.

It should be noted here that the Silvesters were ardent Federalists; and it should also be observed that while Peter Van Schaack had been a Tory in the war, his brother-in-law had served as a member of the First State Provincial Congress. On his father's side Van Buren's preceptor was descended from Nathaniel Sylvester (*sic!*) the first resident proprietor of the Manor of Shelter Island, obtained under a grant in 1666 from Charles II. All the Silvesters were dandies. Francis wore silver buckles on his square-toed shoes. His clerk, as became a disciple of Jefferson, wore laces

in his. The year Van Buren began his seven years' clerkship, the father of his employer was elected to the aristocratic State Senate, for none save landowners of considerable size were nominated for this body by either party—the State Constitution provided that they should be freeholders with a holding worth not less than £100, a sum sufficient in those days to purchase at least two lots on Broadway, near Wall street. The Senate was a highly important body, as its members, sitting with the Chancellor and the judges of the Supreme Court, constituted the Court for the Correction of Errors. This was in keeping with tradition; it was only proper that the landed interests should be preferred: the Van Rensselaers were but one of a few families who owned most of the land on either bank of the Hudson by virtue of manorial grants. Here slavery existed, the only region outside of the South and the shores of Narragansett Bay where human beings were bought and sold. Elsewhere in the North it meant social ostracism to own a slave.

When Martin first appeared in the law office he wore coarse linen and rough woolens his mother had spun and woven. Part of his duties was to sweep out the office and dust the furniture and books, and to keep the logs blazing in the fireplace on cold days. This work has never yet failed to afford a small boy an opportunity to soil his clothes. A spot on a garment was an offense in the eyes of a Silvester. The greater part of the boy's time was spent in copying the pleadings in chancery and the less interesting technical forms of common law, in serving papers, and in carrying his preceptor's green bag to court. Another task was to sleep in the store of Cornelius Silvester when his clerk was absent for the night. Cornelius was a brother of Francis, kind and generous, and young Van Buren did not lose by slumbering behind stacks of merchandise in the rear of the establishment.

Toward the end of Van Buren's first year as a law student, Francis Silvester talked at length on the imperative need of always wearing the very finest apparel. The next day Silvester looked in vain for his law clerk; and the day following he was also absent. On the third day young Van Buren reappeared. The lawyer looked at the boy and quickly turned away to hide a grin; and Martin merely bade him good morning. Not a word was said about his absence, for the boy, from his cocked hat to his silken

hose, was a sartorial counterpart of his preceptor. The name of the waggish benefactor of Martin who took him to Albany and made him over in point of dress, is not recorded by his kinsmen or others who have told this story. We are inclined to believe that he was Cornelius Silvester, who took more than passing interest in the lad's progress.

Minor actions were tried before justices of the peace, who generally held court in a tavern; and here the blindfolded goddess functioned in most primitive fashion. In some counties of the State—the Dutch counties, as they were called—the justice invariably spoke broken English. A bottle of whiskey was usually on the table of counsel "to be used as the trial progressed, whenever it should be necessary to solve an intricate question." Levi Beardsley, a distinguished counsel of the day, and one-time President of the New York State Senate, has described these village courts in his amusing *Reminiscences*. Here is one:

> The defendant was a noted fighter, a hard drinker and . . . amused himself, while the jury was being summoned, with drinking, and playing with an old dirty pack of cards on one end of the bar-room table. The jury being in attendance, the justice called the parties, and had the warrant returned, and then directed the plaintiff to state the nature of his demand; which, being done, he with great humility, and in broken English, asked the defendant, whom we will call Mr. C.: "Well, Mr. C., what do you say to dat?" "What do I say to that?" says the defendant; "I say that you are a d——d old fool." "Oh! tut, tut," says the justice, "dat may very well be, Mr. C., but what has dat to do with this case?" At this stage of the proceeding the defendant knocked down the constable, threw the cards in the justice's face, kicked over the table, and cleared out . . .

The spectators did not hesitate to show their displeasure when a verdict was not to their liking, sometimes mauling the luckless jurist. Important cases involving property rights were tried before juries, and sessions were invariably held at night that witnesses might not be taken from their work.

Beardsley recalls a sitting where "a crowd assembled, and as usual, took sides with the parties; but in this instance, were nearly unanimous for one of the parties, and in opposition to the justice, who, they thought, favored the wrong party." During the

trial, some of the spectators, who were drinking "freely at the bar of the country tavern," resolved that they would show their contempt for judicial authority in a manner to make the judge the laughing stock of the county if he rendered a verdict in keeping with his unjust rulings. He did.

After court adjourned, those who had drunk long and copiously formed a circle around his honor, and "commenced urinating on him from every direction." When this unpopular judge realized what was happening to him "he set up an outcry and escaped from the crowd, but brought actions of assault and battery against the perpetrators, which in due time the defendants settled, by paying costs and making suitable amends to the distinguished jurist."

Although the administration of justice in these courts was of the crudest sort, and decisions ofttimes dictated by political passions, the lawyers who practiced before them, with rare exceptions, were veritable Chesterfields. In their relations with one another sharp practice was almost unknown. Causes tried before justices of the peace were frequently entrusted to the law clerk, and not a few of our great jurists of a century ago argued their first case in a country tavern.

In a tavern at Valatie, a village near Kinderhook, Van Buren made his professional début. He was there on business for his office, and had to wait until a jury case was finished. Aaron Gardinier, a scion of an old Kinderhook family, was of counsel in the action. It was not an important cause; and when the evidence was presented, Gardinier turned to the little law clerk who sat beside him and said: "Here, Mat, sum up. You may as well begin early." Van Buren, whose head did not reach the lawyer's shoulder, was lifted up on a chair, and began summing up the case for Gardinier's client. At first his voice was low and halting, but presently he was speaking in the hurried, racing fashion that was later to be the despair of the shorthand reporters. For his labor Van Buren received a silver half-dollar. He was not much more than fifteen years of age.

In this same year, following the State election of 1798, Van Buren had his first serious conflict over politics. News of the victory of the Federalists was brought to the village by Colonel Elisha Williams, the leading Federal lawyer of Columbia County,

who was destined soon to be Van Buren's chief legal adversary. Williams, a noted orator and famed throughout the State for his splendid qualities of heart and mind, called on the Silvesters with the intelligence. The head of the family, Peter Silvester, was re-elected State Senator; John Jay was elected Governor for a second term, and the Patroon—in New York, although there were many patroons, the prints of the day always referred to *the* Van Rensselaer as the Patroon—was again chosen Lieutenant Governor. The tidings was the signal for firing the cannon in the village square; and how much powder was consumed, or how much wine, no record tells, but the drinking and firing of the cannon continued through the night. In an upper room of the Silvester home all the male Silvesters gathered, attended by Williams, and other Federalists, including Van Buren's older half-brother, James I. Van Alen. All were drinking and singing patriotic songs and voicing their praise of Federalists and Federalism, and their contempt for Republicans and Jacobinism. At the height of the jubilations Van Buren had occasion to visit the room, but declined to celebrate the victory of the Hamiltonians. In relating the incident he said:

> Cornelius Silvester . . . having observed the state of my feelings came out and pressed me earnestly to join them. Having declined his invitation, which was given with delicacy and kindness, I retired to his store, where I slept in the absence of his clerk. Some time after midnight I heard a knocking at the door, and on opening it, admitted Mr. Silvester himself. At his instance I returned to my bed, and he placed himself by its side, and for more than an hour occupied himself in presenting the reasons which ought to induce me to adopt the politics of the Federal party, and solicited me to do so with a degree of earnestness and obvious concern for my welfare which I could not but respect. After hearing him out, I replied calmly that I appreciated thoroughly the kindness of his feelings, and was well satisfied of the purity of his motives, but that my course had been settled after much reflection, and could not be changed. He paused a moment, and then took my hand and said he would never trouble me again on the subject, and would always remain my friend.

The attempt to convert a lad who had six years to go before he could vote was doubly inspired. Cornelius Silvester was an ardent Federalist and felt that, in all probability, young Van Buren,

because of his local fame as a boy-lawyer, would make a picturesque figure on the hustings, and that one or the other of the two parties would soon enlist him as a campaigner. The second and dominating motive was the concern of the merchant for the lad's future; he suspected that his brother would not suffer in his office one who held political views at variance with his own.

That is the only incident Van Buren has left us of his youth, a youth filled with the hardships of poverty, which the poor have learned to endure; and the hardships wantonly inflicted by the fortunate, which lead to reprisals. Van Buren was well acquainted with the first: he was soon to know the second.

CHAPTER VI

Van Buren as a boy answered his own definition of an old-school Dutchman—"immovable, obstinate, and imperturbably good-natured." He was frankly that. He had not yet learned to wear a mask.

In time the village heard of the fruitless midnight mission of Cornelius Silvester to the bedside of the boy of fifteen. Mine Host Abraham beamed broadly at his tavern bar. What joy it gave the Van Nesses! They had a new story to retail to Aaron Burr on his next visit. Old Peter Van Ness, who commanded his own company in the British invasion of Canada, and led a regiment at the capture of Burgoyne at Saratoga twenty-one years later, could hardly bear the sight of a Federalist. A kinsman, Captain Abraham Van Ness, who was to have taken part in the Battle of Saratoga, was captured by sympathizers of the Crown while he was home on furlough, taken from the house, and assassinated. Old Peter was now living quietly on a farm a good two miles south of the village on the Post Road. One of his sons was distinguished as a lawyer; a second, William P. Van Ness, was studying law in the office of Edward Livingston, then noted chiefly because he was the brother of Chancellor Livingston, who was defeated for Governor by Jay. Burr was fond of Livingston's law clerk; and Billy Van Ness worshiped Burr.

A year or so passed before young Van Buren first encountered the petty persecution of the Federalists. He made cautious inquiries as to when Billy Van Ness was expected to make his next trip from New York to Kinderhook, as he wanted his advice. And when they met Mat told his troubles to Billy, four years his senior, but ever so much wiser in the eyes of Van Buren, because, like Francis Silvester, and the Van Schaacks, he had a sheepskin from Columbia College. Mat related some of the petulant scenes with his instructor. Billy could see no reason for being distressed by anything a Federalist might say from Hamilton down. If he were a year or two older he would have his own law

office and Mat could study with him; but, after all, there was no need to worry; he could go to New York anyway, which teemed with lawyers. Young Van Buren was cheered by the reassuring words of the worshiper of Burr, who was to blast the youth's career as well as his own. Thereafter, the occasional bickerings were received with a less heavy heart. His reading, apart from law books, was of the most trivial character. He preferred a rod and one of Kinderhook's quiet trout streams, or one of the many neighborhood ponds, where lurked the wary bass and the wily pickerel, to the volumes of Shakespeare on Silvester's shelves. But he read every Republican journal, periodical, and pamphlet that fell into his hands.

Van Buren's appearances in court became more frequent, and the presence of the yellow-haired boy before a jury no longer excited comment. He earned the merited plaudits of the Republicans of Columbia County when he won a case tried by a justice and jury in Nathan Deyo's tavern. The opposing counsel was Elisha Williams. Oliver Wendell Holmes, in *The Poet at the Breakfast Table*, tells us that when he asked a New Yorker—"a scholar and a writer of note"—one who had known every one worth knowing in his long career: "Who, on the whole, seemed to you the most considerable person you ever met?" Holmes expected him to name Henry Clay, or Daniel Webster, or "one of the great ex-Presidents whose names were known to all the world." His unnamed scholar and writer of note answered, very deliberately: "Take it altogether, I should say Colonel Elisha Williams was the most notable personage I have met with." Elisha Williams was the first to congratulate Van Buren when the verdict was rendered.

Van Buren had passed his seventeenth birthday when he encountered Williams in the legal arena. Earlier in the year, Jefferson had made a profession of his political faith in a letter to Elbridge Gerry—each one of the articles of the creed Van Buren knew by heart—and in 1800 the essentials of the credo of republicanism were incorporated in the platform on which he defeated John Adams. Against two great dangers Jefferson warned the people: the gradual monarchizing of the young Republic; and the building up of a powerful partisan machine through the creation of needless offices, lest this, too, destroy the freedom so dearly

bought. "I am for a government rigorously frugal and simple," wrote Jefferson, "applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of officers and salaries merely to make partisans, and for increasing, by every device, the public debt, on the principle of its becoming a public blessing."

Van Buren campaigned for Jefferson, and the Republicans of Columbia County rewarded the eighteen-year-old youth by electing him a delegate to the Republican Congressional caucus in Troy. It was known in advance that John P. Van Ness, older brother of young Van Buren's friend Billy, would be the choice of the Trojan meeting. Van Buren was broke. He could not go to Troy without money. Timidly he confided in Van Ness, expecting the aspirant for Congressional honors to offer to lend him the needed sum. But Van Ness was also penniless. Van Buren accepted, in lieu of the expected loan, a pinch of snuff from the jeweled box of the poor dandy. Within twenty-four hours Van Buren had enough silver in his pocket to pay the expenses of Van Ness as well as himself. Van Ness did not inquire where Van Buren obtained the loan; and the two set out for Rensselaer's county seat, Van Ness mounted on a splendidly caparisoned steed from his father's stable, and Van Buren astride a borrowed nag; for his father did not possess even a work horse. The Van Burens plowed with oxen.

Van Buren was lionized at the caucus, and his vote for Van Ness's nomination was greeted with loud huzzas. Van Buren canvassed for Van Ness, who was elected. Shortly thereafter the new Congressman married a rich girl. He advised Mat to leave Silvester and finish his clerkship in a New York office, under some good Republican. He told Van Buren to count on him, now that he had a wealthy wife, for any money he might need during his clerkship.

Van Buren, grateful for this generous offer, acted upon the advice, and arrived in Manhattan in the fall of 1801. Billy Van Ness found him cheap lodgings in Catherine street. Unable to find him a clerkship, Billy took him into his own almost-clientless office until Van Buren could find a more remunerative preceptor.

The first week or so in the city was a period of investigation for Van Buren. It was all dazzling. He saw several carriages. He was pleased to know that all New York turned out to see the

Patroon when he came from Albany in his carriage, just as they did in Kinderhook when the equipage with outriders and postilions passed through. He was not astonished that the Patroon excited this interest, for New York was still preponderatingly Dutch. And although the majority of the fashionables worshiped at Trinity, Grace Church, and St. Paul's, a goodly number attended the Old Middle Dutch Church on William street, where Colonial troops died from cold, hunger, and vermin, during the British occupation of the city. He went there to hear a service in his own tongue, but was disappointed. Save on rare occasions, the services had been conducted in English for years. The change was necessary to hold the growing generation, as most of the younger people knew only the language of the Yankees. Then he recalled how like Kinderhook was New York in many respects: save for a little stretch of narrow brick pave on Broadway near St. Paul's, there were the same dirt walks; the few cobblestones did not hinder the pigs and cows who wandered the streets; Dutch was spoken in streets and in many shops; Dutchmen smoked long clay pipes outside their doors; and the floors of the taverns were sanded.

On a fine afternoon he stood on the steps of the City Hall at Nassau and Wall streets and watched the beauty and ton file by. Kinderhook boasted nothing like this, which could be equaled only at the Battery on a clear Sunday, when vari-colored silks and satins and velvets shone like brilliant jewels in the sun, and where powdered wigs and curls were as commonplace among the men as frizzled locks among the young girls. Here one saw dandies of an earlier day walking more erect than their sons, the sword at their side clutched by a gloved hand half hidden under lace ruffles. No poor man—at least no man poorly dressed—strolled through the arbored walks at the Battery; nor could one see a woman outside the fashionable world, save some bedizened and venturesome member of the frail sisterhood.

Up at the other end of the city, the northern end of the Park, stood the almshouse, the Bridewell, and the Debtors' Prison. From the grated windows of the last of the melancholy group, those whose crime was poverty dangled ropes to attract the charity of the few who passed that way. At the end of these ropes were crude baskets large enough to hold a loaf of bread. In the winter the

Quakers provided these unfortunates with wood for their fires. There was little, save morbid curiosity, or politics, or amusement, to take any one there, as the place was so far away from the scene of things. When there was talk of building a new City Hall in the Park, the proposal was received with laughter. Those with an eye for beauty, seeking the architect's drawings, knew that to view the contemplated triumph of Colonial architecture, in proper perspective, a vista such as only the Park afforded, would be adequate. All were agreed, when the Hall was planned, that the city would never extend beyond it, which accounts for the cheap brownstone forming the rear wall, now concealed underneath successive coats of white so as to make it resemble the marble façade and side walls.

The Debtors' Prison served one useful purpose: its porticoed tower was paced by a watchman whose lantern, suspended from a long pole, indicated the direction of a fire after an alarm was sounded. Across from the gloomy group was the slave burying ground. Far to the north were the country homes of the rich. On Richmond Hill, a mile or so away, near where Varick and Charlton streets now intersect, lived Aaron Burr. The Park—it was always capitalized in the old days—was the open-air forum of the city. No permit was required, and no public official dreamed of misusing his authority to silence a speaker in the Park or elsewhere. The stifling of free speech was confined to the mobs.

Many thousands could be assembled in the Park, which was then an irregular triangle, its lines formed by Broadway, Chambers street, and Park Row. The lower end of the Park, where Park Row and Broadway meet, had not yet been turned over to the Post Office Department as a site for an architectural horror.

Not long after Van Buren began his clerkship with Van Ness a youth of his own age, Philip, the eldest son of Alexander Hamilton, went to the Park for an evening's amusement. Young Hamilton was accompanied by another lad of nineteen named Price. Their destination the theater—there was only one then and it had no designation; but later it was called the Park Theater—on Park Row between Ann and Beekman streets. The date was Friday, November 20, 1801.

Long before playgoers of our day sit down to dinner, young Hamilton and his companion were in their seats. There was pre-

sented that evening "a celebrated Comedy called The West Indian . . . to which will be added, A Grand Pantomimical Drama, interspersed with Songs, called Obi; or Three-Fingered Jack, Founded on a Fact which occurred (A.D. 1789) in the Island of Jamaica." To quote further from the advertisement in the *Evening Post*, which young Hamilton's father had established only four days before: "The doors will open at ½ after 5, and the curtain [will] rise at ½ after 6 o'clock. It is earnestly requested that no person will carry a lighted Segar into any part of the Theatre, or attempt to renew the dangerous practise of smoaking [*sic!*] either in the Lobbies or in the presence of the audience."

Hamilton and his friend occupied part of a box. They sat immediately behind George I. Eacker, senior member of the law firm of Eacker and Van Slyck. Eacker was a Republican—a Burrite. The two youths found little amusement in the performance, and boy-like, began to amuse themselves. Young Hamilton remembered that Eacker had spoken at the last Fourth of July celebration, and—in the language of the *Spectator*—"pointed ridicule upon the oration delivered by Eacker."

Eacker overheard the remarks. To return to the *Evening Post:* "Eacker . . . asked Hamilton to step into the lobby; Price followed—here the expression *damned rascal* was used by Eacker to one of them, and a little scuffle ensued; but they soon adjourned to a public house:—an explanation was then demanded, which of them the offensive expression was meant for; after a little hesitation, it was declared to be intended for each. Eacker then said, as they parted, *I expect to hear from you;* they replied, *you shall.*"

Eacker was about thirty years of age. In the tavern he observed the extreme youth of the two he had challenged. But such were the customs of the times that age was no barrier to this socially recognized form of maiming and murder.

Hamilton and Price consulted with their friends who agreed that the retaliation of Eacker had been so violent that it would be impossible for either not to notice the matter further; but as young Hamilton had given the first offense his message should be conciliatory, and merely call for "some explanation of the offensive expression."

Eacker, out for blood, replied: ". . . the expressions I made use of toward Mr. Hamilton at the Theater Friday night last

were produced by his conduct on that occasion; I thought them applicable then, and I think so still."

Young Price and Eacker were the first on the dueling ground at Weehawken. Four shots were fired without effect when the affair was brought to an end by the seconds.

The interview between Eacker and Price occurred Sunday, two days after the incident at the theater; and the next day young Hamilton faced Eacker on the same field. Hamilton and Burr were soon to meet each other here.

At the command "Fire!" Eacker discharged his pistol, the ball plowing through the boy's intestines. Young Hamilton fell mortally wounded. In falling, his pistol was discharged in the air. The following morning the lad expired in his father's arms.

Robert Troup, a veteran of the bar, and a life-long friend of the elder Hamilton, wrote a fortnight later: "Never did I see a man so completely overwhelmed with grief as Hamilton has been. The scene I was present at, when Mrs. Hamilton came to see her son on his deathbed . . . and when she met her husband and son in one room beggars all description! . . . At present Hamilton is more composed and is able again to attend to business; but his countenance is strongly stamped with grief. Eacker [*sic!*] has not since made his appearance at the bar. There is a general current of opinion agt. him, except amongst the violent democrats."

The father of the slain youth was opposed to dueling on moral and religious grounds. The *Evening Post*, in a temperate editorial, thus voiced his views:

> Reflections on this horrid custom must occur to every man of humanity; but the voice of an individual or of the press must be ineffectual without additional, strong and pointed legislative interference. Fashion has placed it upon a footing which nothing short of this can control.

Van Buren shared the horror of the rest of the community over the duel. There were, as Troup had written to Rufus King, Republican extremists who condoned the slaying; some even approved it. Van Buren viewed the custom with contempt; but Billy Van Ness held opposite views.

A week after the duel Van Buren's funds were at low ebb.

He was beginning to despair of finding a clerkship in a law office where clients waited in the reception room. Such places were obtained, as Van Buren said, only by those with powerful family connections, and it was his boast that he had none of these.

Billy Van Ness could see no occasion for alarm. It was only a question of time when his bag would be filled with briefs. Was not his friend, Aaron Burr, Vice President of the United States?

There was no denying the intimacy between the youthful Billy Van Ness and Burr. Van Buren was to see many proofs of it in his visits with Billy to the Vice President's home on Richmond Hill. Van Ness was a political lieutenant of Burr. A short time after Van Buren's arrival in the city, Van Ness and thirty others who were propertyless, and therefore unable to vote, clubbed together and bought a house, thus technically qualifying as electors for the municipal elections held in the month of November. All of Van Ness's associates in this novel undertaking were young lawyers, law students, and mechanics. The votes of these thirty-one turned the close election in the Fifth Ward, and elected a Republican member of the Common Council. One of the "owners" of the house in the Fifth Ward was Daniel D. Tompkins, a future Governor of the State.

This evasion of the election law was the beginning of a wide-spread system, and the Federalists were not slow in copying the device, whose inventor was probably Burr or his friend and biographer, Matthew L. Davis, Grand Sachem of the Society of Tammany.

Billy was prolific in promises. But Van Buren could not live on words. He had never before known the fear of hunger, a fear unknown on a farm; for there one always has enough to eat. If Billy's brother, the Honorable John P. Van Ness, M.C., were only in the city! It was hard to ask for a loan in a letter; but the Congressman had told Van Buren to draw on him for any sum he might require until his clerkship was finished. At last he gathered enough courage to write.

He wrote his first appeal for funds on December 3. He waited ten days in patience, and at the end of another ten days he was beginning to believe that the Member of Congress from

the Sixth New York had completely forgotten his promise to assist him financially.

Christmas Day found Van Buren poorer than ever. The continued silence of Congressman Van Ness put his boasted sanguine temperament, ardent disposition, and high and buoyant spirits to an acid test. How unreal the day seemed! It was not like Christmas. Once he believed that by singing to St. Nicholas the good holy man would put on his best cloak and ride to distant climes for things he wanted. On December 27 he wrote his second letter to Van Ness.

At last an answer came from Washington enclosing twenty dollars. Van Buren's two letters are lost; but in the rich archives of the Division of Manuscripts of the Library of Congress, the answer is preserved, revealing, as though we had Van Buren's pleas before us, how he masked his avowal of poverty with a request for counsel. Van Ness, in six pages of script, the once jet black ink now brown with age, advised him to move only in the best society; to be moderate in attending the theater lest he become addicted to it; to avoid vice and idleness; to improve his mind by constant study. Then he added: "I have no doubt you will (reflecting and considering that your future prospects are principally founded upon your attention to the improvement of that mind and those talents, with which you are blessed) neglect no opportunity of accomplishing this desirable object to such a degree as to render you an ornament and an honor to your friends and your country."

That last phrase of Van Ness's was fraught with prophecy. But it stirred no greater aim in Van Buren's mind than a place on the Supreme Court bench, the dream of all law students. The Congressman was right about improving his mind and talents: Van Buren heartily agreed with this. And then, as all through his life, he vowed to devote less time to political journals and pamphlets, and more to books to which he was a total stranger. He could not help envying Billy Van Ness, who could quote Latin poetry, and recited some of the Horatian epistles by heart. There were two bits of advice which Van Buren followed through life: to be moderate in his theater-going, and to move only in the best circles.

CHAPTER VII

The hardships of Van Buren in New York were compensated by the study he made at close range of politics and those who pulled the strings. The visits to Aaron Burr were the bright spots in his long dreary months in the city. Burr was pleased with the youth; his staunch Republicanism delighted him; and he showed him the courtly consideration he bestowed on men of affairs. But Van Buren could not have helped observing that the Vice President showered a wealth of affection on Van Ness denied to other visitors at the house lying between the city and the village of Greenwich. And Van Ness, in turn, venerated Burr. But these relations brought no clients to the law office of William P. Van Ness, Esquire. Because of this, Van Buren acquired the habit of living on little. An extra dollar was so seldom in his purse that he developed a spirit akin to niggardliness.

Burr stood in need of the loyalty of Van Ness and other steadfast friends at the beginning of 1802. Long menaced by Hamilton, his professional and partisan rival, he was now confronted by a still greater peril within his own party. These new foes were *the Livingston family*—as the faction headed by Chancellor Robert R. Livingston was designated—and the Clintonians. The venerable Governor Clinton was nominally the leader of this wing of the Republican party. The actual control was wielded by his nephew, the brilliant De Witt Clinton, then in his thirty-third year, and a member of the United States Senate.

This powerful combination declared war on Burr on the pretext that he had intrigued with the Federalists to rob Jefferson of the Presidency for himself. A plausible *prima facie* case was established to support this charge of treachery. Contrariwise, it was not difficult to cite circumstances tending to show that the powerful combination was animated solely by a desire to elect a Clinton or a Livingston to the highest office in the land. This could not be done while Burr was in its way.

HENRY CLAY
After a mezzotint by H. S. Sadd

A more powerful coalition could not have been effected in New York. The Livingstons were scions of the house of Callender, their most noted ancestor being Sir Alexander Livingstone—thus he spelled the name—who was appointed by the estates as one of the two regents during the minority of James II of Scotland. The first Livingston in this country was Robert, who married Alida, widow of Dominie Nicolaus Van Rensselaer, and sister of Colonel Pieter Schuyler. Robert, although born in Scotland, was in speech a Dutchman, his father, a minister, having been exiled in 1663 for his non-conformity. Father and son, the latter then a child of nine, went to the Netherlands where the victims of religious persecution of all lands found asylum. On reaching his majority he sailed for Rensselaerswyck, and in time became a patroon. His manor began some five miles south of the present city of Hudson, extending south on the east bank of the Hudson for twelve miles, and stretched out eastward like a fan until it touched the Massachusetts line, where its length was twenty miles. The tract embraced nearly a quarter of a million acres. The Livingstons were Dutch, in everything but name; and were related by blood or marriage to nearly every family of distinction in the State. They were distantly related to General Philip Schuyler, father of Elizabeth, wife of Alexander Hamilton.

The first of the American Clintons was a son of a cadet in the family of the Earls of Lincoln, whose estates were sequestrated for espousing the cause of Charles I. This son, Charles, in the year 1729, at the age of forty, followed by his family, some neighbors, dissenters all, sailed from Dublin Bay for Massachusetts. They landed on bleak Cape Cod, but not liking the land or the climate, came to New York two years later, and settled some sixty miles up the Hudson, in a place they named Goshen.

These two families, like every one of note in public life, had distinguished records in the Revolution. All the resources at the disposal of the Clintons and Livingstons were used in their warfare on Burr; even the Bank of Manhattan, which Burr surreptitiously brought into existence through a joker in a bill to supply the city with water following the yellow fever epidemic of 1798. This was the only financial house controlled by the Republicans; and at the first meeting of the managers of the bank after hostili-

ties began, Burr and John Swartwout were turned out of the directorate. Swartwout had been Burr's colleague in the State Assembly when the Bank of Manhattan joker was slipped into the water bill.

Swartwout's only sin lay in his friendship for Burr; and he voiced his affection by saying that De Witt Clinton had planned the war on the Vice President because of selfish and other unworthy motives. Clinton was imperious. When fresh from college he was appointed secretary to his uncle, then Governor of the State. He had served as an Assemblyman and State Senator before going to the United States Senate. When he learned of Swartwout's remarks he denounced him as "a liar, a scoundrel, and a villain." Offensive phrases rolled readily from the tongue of Clinton in discussing his political opponents. Swartwout demanded a retraction of the unwarrantable epithets; Clinton agreed provided Swartwout would withdraw his reflections on Clinton's opposition to Burr. Swartwout refused, and then the barbarous code duello was invoked.

Clinton, as he said in the course of the duel, had no personal enmity toward Swartwout. Three shots were exchanged without either being hit. After each fire Clinton's second, Richard Riker, the District Attorney of New York, inquired: "Is your principal satisfied?" Each time Swartwout shook his head, whereupon his second would announce: "He is not." The fourth shot hit Swartwout in the leg.

Riker, who had hoped that the duel would end without bloodshed—he had tried to prevent the meeting—concealed his annoyance and disappointment as he asked: "Is your principal satisfied now?" We can sympathize with Riker, for he was the officer sworn to prosecute crime in all Manhattan.

"He is not," replied Swartwout's second for the fourth time, after receiving his cue.

For the fifth time the two men faced each other. Swartwout fell as the smoke cleared, the ball taking effect in the same leg.

"Is your principal now satisfied?" asked Riker in saddened tones.

"No!" shouted Swartwout as his seconds urged him to yield, while surgeons made ready to probe the wounds.

"Well! well!" said Clinton meditatively. After a few seconds'

reflection he angrily threw his pistol to the ground, and exclaimed: "Then he may go to the devil, for I will fight no more."

Clinton strode off the field, followed by his friends.

The war continued, the passions of its leaders and their followers being kept at a fever heat by their personal organs. Burr's newspaper was the *Morning Chronicle*, edited by Dr. Peter Irving, and in its columns the charge was first publicly made that the Clintons and the Livingstons warred on Burr to realize their ambition to elevate a Clinton or a Livingston to the Presidency. In this journal Washington Irving, a younger brother of the editor, made his literary bow over the signature of Jonathan Oldstyle. Another contributor was Van Buren's preceptor, Billy Van Ness. The opposition was represented by the *American Citizen*, whose chief contributing editor was the versatile De Witt Clinton himself; but the scurrilities were written by the reckless James Cheetham, whose pamphlet, "A View of the Political Conduct of Aaron Burr," is his *chef-d'œuvre* in the strife.

Whatever hope had been entertained by the friends of the leaders of the two factions of stopping their private war perished with the appearance of the Cheetham work, which was answered with one of the most venomous pamphlets in our history. Not for years was it known that Billy Van Ness was the American Junius who had dipped deep into the well of hate to impeach the public and private character of the Clintons and the Livingstons. Edward Livingston, now Mayor, scoffed at the thought this his former law clerk had any hand in it. Van Ness masked his identity behind the name of Aristides. A more appropriate pseudonym would have been Callimachus. Van Buren, one of the few who knew that Van Ness was the author, kept the secret; but years later he was falsely charged with having betrayed the confidence to Burr's enemies.

This war had its beginning in the preceding year, when the Clintons and Livingstons divided the principal offices in the State among the members of their own families, and placed their followers in lesser places. The most important appointment at the disposal of the Governor was the New York Mayoralty. As a Clinton was Governor it was only fitting that a Livingston should be Mayor, and accordingly this office, the richest in the State in fees and in patronage, was bestowed on Edward, son

Framingham State College
Framingham, Massachusetts

of Chancellor Robert R. Livingston. To Brockholst Livingston, son of Governor Livingston of New Jersey, and a cousin of Edward, went one of the two vacancies on the Supreme Court, which paved the way for his elevation to the bench of the United States Supreme Court. Morgan Lewis, son of the Signer, was made Chief Justice of the State court. This was not because of his ancestry, but because he was the husband of Gertrude Livingston, sister of Edward. Chancellor Livingston, no longer competent for the office because of his age, resigned, and was appointed Minister to France by Jefferson, with the approval of the Senate and the approbation of the Clintons.

In the division of offices one of the Livingstons lost a job. This exception was John Armstrong. He, too, had married into the family. He was then United States Senator. It was agreed that Armstrong should be succeeded by a Clinton. So Armstrong obligingly retired that De Witt Clinton might be elected to the United States Senate. All the Republican members of the Legislature, including the Burrites, voted for him, open hostilities not having yet begun. To atone for this sacrifice, another Livingston by marriage, Dr. Thomas Tillotson, who had espoused another sister of Edward, was appointed Secretary of State of the State of New York.

With the two Clintons filling the offices of Governor and United States Senator, they had no choice in giving the Livingstons the lion's share of the remaining important offices. William Stewart, a brother-in-law of Governor Clinton, was appointed District Attorney of Tioga and other counties in the Southern Tier. This was one of the strongholds of the Clinton faction outside of New York City. Sylvanus Miller, their political lieutenant in Kingston, was appointed Surrogate of New York.

There was criticism of this last appointment. No one found fault with the talents or character of Sylvanus Miller; and this was true of all the appointments. It was said, however, that it was not proper to go eighty-nine miles from the city for a surrogate when there were many men of equal worth born and living within the city's walls.

Scarcely an important office went to a Burrite. If Burr could be deprived of political strength in his own State, he would, automatically, cease to be a figure in national politics. The Clin-

tons and the Livingstons were slowly, but effectively, destroying Burr's political organization while building their own.

Burr had no family connections in the State, but he had intensely loyal friends in every section. They were zealots all; and friend and foe alike called them the Little Band. Burr's well-earned fame as the greatest of lawyers before a jury made him the idol of a large following in the city. A drama in its home opposite the Park did not hold the attraction of a trial in which Burr was counsel. He was primarily an advocate; and always histrionic. His client was ever pictured by Burr in the robes of innocence; and invariably he persuaded juries to his view. He was an actor, and knew every legal stratagem; some he invented. As defense counsel in a murder trial he protracted his cross-examination of the key witness for the prosecution until after dusk had fallen. When the candles were lighted Burr intensified the accusatory note in his embarrassing questions. The witness was honest. But who would not falter under such an ordeal? At a prearranged signal a clerk handed him a lighted candle. Burr then strode to the witness chair, and holding the flame close to the face of the man whose testimony he could not break down, cried to the jury: "Behold the murderer!" And the jury returned a verdict of "Not Guilty!"

Lawyers feared to oppose Burr before a jury, for his charm too often outweighed the evidence. To break down his hold on the popular mind was no child's task, as his opponents knew. But it had to be done if a Clinton or a Livingston was to be New York's choice in a Presidential nominating caucus.

Burr and his followers realized the strength and determination of the opposition and acted accordingly. Nearly every secret move made by a Clinton or a Livingston became known to the leaders of the Little Band, and of this group none was more youthful, dashing, daring, and unforgiving, than Van Buren's preceptor.

Van Buren saw that the Clintons and Livingstons in buttressing their opposition to Burr were doing something novel. They removed from office Federalists who were not ready to support them, and filled their places with Republicans. Hitherto, party workers, in the main, were inspired by principle, or emotion. Now the driving power was money, and nearly every penny

came out of the public treasury in the form of fees and salaries. Judges with the power over life and property, who should be utterly removed from the prejudices of partisan politics, directed the various units of this vast corps of electioneers. There was not a township without its organization, compact and efficient, and all reporting to the Clintons or the Livingstons. Burr, too, had his machine, but it was the old model, composed of men who admired him and believed in the things he preached, and making up in zeal what they lacked in numbers. He had nothing to give.

Both sides relied heavily on newspapers and pamphlets for propagating their cause, and the printer had for ally the letter writer who proselyted by post, or kept the wavering ones steadfast.

The country looked on in astonishment at this innovation of the Republicans of New York. They could not but contrast it with what was happening in the national government where Jefferson, in his first sixteen months as President, had removed only sixteen office holders without assigning a reason. He was publicly opposed to using offices of government to attain partisan ends. This article of his faith was scorned by his followers in New York where thousands of worthy men were removed from office because of their devotion to Burr. There were more than five thousand fee or salary jobs in the State which were filled by factional partisans. But the assault on New York's civil list was infectious, and toward the end of Jefferson's first administration the disease spread to Washington, although not with the violence known in New York.

Nominally, and in law, the removals and appointments were made by the Council of Appointment, but, in fact, the active agent was Governor Clinton. This body was the executive counterpart of the Council of Revisions with whose legislative-judicial functions we are familiar. Both were designed by the framers of New York's Constitution to keep the entire control of the State government in the hands of a few.

The Council of Appointment consisted of the Governor and four members of the State Senate, who represented the landlords. The four Senators were chosen annually by the Assembly, which was elected by the small freeholders. And the rest of the all-men-

who-are-created-free-and-equal were just people. Hamilton called them "a great beast"—the least of his offenses against democracy. We should no more judge him by these utterances than we would Euripides for scourging with thongs one who reflected on his breath, or the greatest of the Livingstons by his one misstep.

This misfortune befell the Clinton-Livingston faction in the summer of 1803. Until then everything was going against the Burrites. Now Edward Livingston, Mayor of New York, and United States Attorney for the entire State, had fallen. These two offices he administered simultaneously. Jefferson had appointed him to the Federal berth after he resigned from Congress. It was not unusual for a man to hold more than one high office at the same time. The perquisites of the two places netted Livingston more than $20,000 annually. This was a princely income in those days. Like men who care little for money, he was generous to a fault. As Mayor he had to entertain lavishly; and as a proud scion of the house of Callender he must play host in manorial fashion.

When the yellow fever visited the city, in July of this year, the rich fled to the country. Livingston remained at his post and called at the homes of the stricken after his work was done. Madeira, the most expensive of wines, was prescribed for sufferers, and in the epidemic of 1803, even the poor did not lack this stimulant or other luxuries of the sick room. Livingston saw to that.

In the midst of his ministrations to the afflicted Livingston was stricken with the fever. While he was convalescing the government demanded an accounting of the moneys he had collected as United States Attorney, and of which he was custodian. A shortage was disclosed. While government investigators were trying to determine the precise deficiency, which was later shown to be $43,666.21, Livingston confessed judgment to $100,000. He transferred all his property, save his clothes, to a trustee, to be sold for the benefit of the government, and resigned both offices. This was in the middle of August.

At the age of thirty-nine, Livingston, with a brilliant record as a statesman and lawyer, set sail for New Orleans, to start life anew; and to earn enough to square his account, which he did. In his voluntary exile, some twenty years after, he flashed upon an admiring world his famous Louisiana Code. The General As-

sembly of Louisiana had retained him to recodify the ancient welter of Spanish and French laws. He produced a code wherein man, for the first time in jurisprudence, was made transcendent to property. The Czar of Russia joined in the universal tribute to the exile; the King of the Netherlands had a gold medal struck in his honor; Napoleon's former Marshal, from his Swedish eminence, paid his homage to the American; Victor Hugo wrote: "*Vous êtes du nombre des hommes qui ont le plus et le mieux mérité de l'humanité dans ce siècle*"; and Jefferson, from whom Livingston had been estranged since the affairs of 1803, unconsciously paraphrased Hugo with: "It [the Code] will certainly arrange your name with the sages of antiquity."

This Code, which was translated into nearly every civilized tongue, has been the main source of all reform in our treatment of criminals. The ax, the musket, and the halter, to use Kent's phrase, were banished from the realm of punishment. Sentimentalists have seen in this great work an expression of a contrite heart. Livingston's record as Mayor is a story of active interest in the less fortunate. One reform he planned was the establishment of municipal workshops to relieve suffering in times of industrial depression. On a parity with this attempt to account for the Code is the acceptance by his apologists of a vague and tardy tale of an unnamed and obscure clerk embezzling $43,661.21 in the care of the most humane and one of the most sagacious lawgivers of our age.

Following the resignation of Livingston as Mayor there was a meeting of the Livingston and Clinton families. It would not do to appoint another Livingston to this place; that would have made for too much criticism by the Federalists and the Burrites. So a Clinton was named, De Witt Clinton, who resigned the more exalted station of United States Senator to sit in New York's City Hall. And John Armstrong resumed the seat he had vacated to make way for Clinton. It did seem to some that even the Clintons and the Livingstons might have refrained from playing battledore and shuttlecock with a toga.

If Van Buren had been another Adams! But he kept no diary, and there is no reference to this tragedy in any of his papers which fill sixty-one massive solander cases. That he was moved to pity there is every reason to believe, as there is to assume that

his preceptor gloated in the downfall of Burr's enemy, for he had written under his nom de plume of Aristides that the rule of life followed by the Livingstons had been summed up in that cynical maxim of the respectables of thiefdom:

". . . Rem, facias rem[,]
Si possis recte, si non quocunque modo, rem."

But after all, even the house of Callender should not have patronized the house of Kidd.

Dark and malignant has the spirit of Billy Van Ness been called; it was basically cowardly as well, as Van Buren was soon to know. But Billy's clerk continued to be more interested in where he would find next week's meals and lodgings than in the ups and downs of New York's ruling families. Evidence that he made at least three appeals for loans in 1803 is extant in the archives at Washington. One is a reply from his half-brother, John I. Van Alen, who sent enough from time to time to keep Mat from starving; the others are letters from Billy's brother the Congressman. These were dated November 3 and 11. We will quote from the first of the notes written by the politician who had promised to finance Van Buren's two years in the city:

I have long been in hopes that I would have been able to answer your letter with a One Hundred Dollar Bill, but innumerable disappointments prevent—by God, my friend, Cash is out of my power; but if my note for a hundred dollars at Twelve, or if necessary, at Six months will answer your purpose let me know, and it is at your service.

Van Buren's days of worrying over shelter and sustenance were drawing to a close when he wrote to the Congressman, for he was admitted to the practice of law about three weeks before attaining his majority.

He returned to Kinderhook with little delay, for he had not seen the snow on the hills of his childhood in more than two years. It seemed longer since he had seen that shy, frail little girl, a distant kinswoman of his mother, Hannah Goes, or as it came to be spelled, Hoes. Hannah was probably the last to welcome the prodigal home; for she loved him and, maiden-like, showed it by

concealing it. Kinderhook saw a changed Martin Van Buren. The boyish slouch was gone, and in its stead was an erect carriage, peculiar to soldiers and men who are small and slender. Van Buren was not quite five feet six, and remained slight of figure until he was well on in years. His long, curly, yellow hair was parted over the right temple and combed back in wavy masses, hiding the ears, but revealing a forehead of extraordinary proportions. Deep-set eyes, big and blue, and always laughing, looked out at one with boyish frankness from under heavy eyebrows. His nose was long and aggressively Roman. His upper lip was a perfect Cupid's bow, the nether one full and inclined to protrude ever so faintly. The determination in the jaw was lost sight of in his constant smile. But it was not a gay smile: suffering had given a wistful turn to the corners of his mouth. The mother, as she looked at Martin, could not but recall a time when she felt that it had been unjust for her, a penniless widow with three small children, to marry the struggling, improvident tavern-keeper. She no longer thought so; for it was through the self-denials of one of those three—she attributed much to her prayers—that Martin was enabled to finish his clerkship in New York. And Mine Host Van Buren forgot their struggles as all sat down to the well-scoured table of white pine. He had eyes and ears only for Martin, and it was with pride that he watched his first son devour the *oli-koekjes*, those sweet cakes our Dutch forefathers took with their wine. The children always had their share of the koekjes, which have been Anglicized phonetically as cookies.

CHAPTER VIII

Van Buren's return to Kinderhook marked the actual beginning of his career in public life. The honor accorded him as a youth in choosing him a delegate to the Congressional district caucus in Troy was largely a gesture of affection. He had reached his majority on December 8, 1803, and would cast his vote in the spring elections for Governor, Lieutenant Governor, and other candidates. He had resolved to enter politics, knowing that prestige and clients come through activity on the hustings and in the party caucuses. Politics, however, was to be secondary to his practice, for he and his half-brother, James I. Van Alen, had a hard road ahead. He had seen how young Billy Van Ness's time had been consumed almost entirely by his passion to play the rôle of Burr's defender, and in turn, the defamer of the Clintons and the Livingstons.

All the political gossip centered on the impending battle between the Republican factions. Burr, still Vice President, had added to his reputation of being the most surprising political strategist of his day by announcing through his friends, early in January of 1804, that he did not want to be a candidate again for the Vice Presidency; but would reënter State politics as a nominee for Governor. Burr reasoned that by capturing the State he would make short shrift of his enemies, and place himself in line for the Presidency four years thence. There was another motive behind Burr's temporary abandonment of the national field: Jefferson's friends in Congress—and legislative caucuses named State and national tickets in those days—had determined not to renominate Burr for Vice President, and to select Governor Clinton as Jefferson's running mate. It was manifest to Burr that the President was as anxious as the Clintons and the Livingstons to retire him to private life.

In the early part of February the Republican members of the State legislature, under the direction of Burr's opponents, nominated Chancellor John Lansing for Governor. In the preceding election the Federalists had polled such a small vote in the

State that their leaders agreed that it would only be a waste of time and money to make a contest. Accordingly a number of them met secretly in the dining room of Lewis's tavern in Albany on the night of February 16 to consider whether it would be better strategy to support Lansing or Burr. Their only logical course was to support Burr, thereby widening the scissure between their enemies. But Burr was personally disliked by many of the prominent Federalists, notably Hamilton, who urged the gathering to support Lansing. "The principal part of his speech," reads an account of the meeting in the *Morning Chronicle*, "went to show that no reliance is to be placed on Mr. Burr." Hamilton, however, was in a minority. The report of this meeting was obtained by two Burrites who had concealed themselves under a bed in a room adjoining that used by Hamilton and his associates.

The next day Chancellor Lansing announced that he would not be a candidate for Governor. This was playing into the hands of Burr, whose followers in the Legislature caucused the subsequent afternoon and nominated him for Governor.

The Clinton-Livingston Republicans were thrown into a ferment by the march the Burrites had stolen upon them, and two days subsequent to Burr's nomination, they held a legislative caucus and nominated a Livingston, Chief Justice Morgan Lewis, for Governor.

Burr had many staunch followers in Kinderhook, as Billy Van Ness was one of his campaign managers. Billy was writing vitriolic articles for the press, and sending letters to his friends to enlist them in Burr's cause.

Van Buren was one of the few in the village not championing the cause of Burr. Worshipers of Jefferson throughout the State were supporting the candidacy of Morgan Lewis; and likewise the personal following of Hamilton in the Federalist ranks. The Livingston-Clinton faction were as pleased as they were astonished with Hamilton's aid.

All Republican opposition to Burr up to February 25 was inspired by the belief that he had intrigued with the Federalists to steal the election from Jefferson during the preceding national campaign. This belief was transmuted into knowledge by the alchemy of the Republican Congressional Caucus which met that day in Washington and nominated Governor Clinton for Vice

President. Thenceforward all devout Jeffersonians interpreted Burr's rejection as convincing evidence of the charges lodged against him.

Van Buren's brother—so let us call his law partner, for Van Buren never referred to him otherwise—was a candidate for the Assembly. He also canvassed for Lewis, who was nominated, it should be noted, by a preponderating majority of the Republican members of the Legislature, and hence was more representative of the party than Burr. And because the legal firm of Van Alen and Van Buren supported Lewis, the Van Nesses, the Van Schaacks, and the Silvesters, and the rest of the *bon ton* of Kinderhook and nearby, heaped abuse on the firm and its members. Van Buren was their particular target, because he had been entertained by Burr in his home, and had studied law in the office of Burr's youthful champion and friend. They were persistent in their efforts to convert him to the cause of Burr, for he was an idol among the Republicans. Van Alen was not much of a spouter, and lacked the indomitable energy of his junior partner. Billy Van Ness, on being apprised of the situation, used the post to woo Van Buren back to Burr. This letter was written on Washington's Birthday, and arrived at Kinderhook after the village learned that Jefferson, through the Congressional Caucus, had pronounced anathema on Burr.

There is a cold formalism in Van Ness's letter; and even the address and signature breathe hostility. There is also in the note a reflection of the attitude of Burr's supporters, who regarded him as the object of a treacherous conspiracy directed by the Clintons, Livingstons, and Hamilton. The letter reads:

D^r^ Sir

I have been informed since my arrival in this part of the Country that you have become a zealous advocate of the Clintonian party, those traitors * to the Republican interest & the general welfare—In addressing you it is unnecessary to enter into a discussion of this subject —You know that Mr Burr is the intended victim of villany and persecution against which it is the duty of every friend to freedom to sustain him—I hope you will not suffer my sentiments to influence you upon this occasion, but that you will pursue faithfully the honest

* Here I have supplied the word, which is mutilated in the original.

convictions of your mind—I should be much gratified however to be informed of the principles upon which your decision has been made —if they are correct, I assure you that no one will more readily applaud your conduct—As I esteem you much be careful I beseech you that you are not influenced by motives that will hereafter dishonor you— I wish you to reflect maturely before you take a side—and when you do never change—I write in great haste, which I hope you will pardon —I could not omit it, as I feel much interest in your respectability and welfare. Your friend & very humb. Servt

W. P. Van Ness

In Van Buren's reply we see the cautious leader of later years. He studiously disclaims passing judgment on the charges of treachery against Burr, and professes partiality for him, and a "pure and disinterested affection" for Van Ness and other "intimate friends" of the man he is opposing; he speaks of the abuse visited upon him and his brother by the Burrites of Kinderhook; he vigorously and paradoxically defends his course because it is inspired by expediency and purity of motives; and truthfully observes that most men are not scolded out of their opinions. The reply itself is not extant, but Van Buren made a draft of it. Time and ill-usage have worn holes in the two sheets on which Van Buren copied his earliest political paper, but fortunately only obvious words and parts thereof are lost. The letter reads:

Dr Friend:

I Received a Letter from you some time ago upon the subject of the ensuing election, but have been prevented by absence from answering it—

The sentiments of liberality and magnanimity which it contains are such as from a knowledge of your character and the qualities of your heart I had a right to and did expect—Possessed of strong personal prejudices for Mr. Burr and feeling a pure and disinterested affection for some of his most intimate friends amongst whom it is with pleasure that I name you as first in my esteem—the Controversy which exists up[on this] momentous occasion was to me of [the utmost] delicacy—Upon the most matur[ed and] passionate reflection, however, I am fully impressed with the conviction that the support of Col. Burr would not under existing circumstances be expedient and in giving this opinion to you I wish to be understood as not at all embracing the truth or falsity of the charges, I do not conceive myself

called [to pass] upon that question, and knowing as I do the purity of my intentions and motives I feel persuaded they will never prove a source of dishonor to myself or regret to my friends—I might enter much more minutely into the grounds upon which my resolution has been formed, but as a discussion of this subject *cannot now* be productive of one salutary consequence I forbear—I flatter myself that impair a difference in opinion on the subject will not at all affect the friendly relations which have heretofore existed between us—for my part I can say it will not. If however contrary to my most confident expectations such should be the case regret on my part would be the only consequence.

My Brother & myself have received much abuse from your friends in this Town, in their illiberal & unmanly remarks with respect to me. Your name has been made use of I feel confident unauthorisedly—My attempts to check the fury of some of [Mr. Burr's] enemies, are now pretended to be construed by *some persons* who then sanctioned and authorized the attack on Mr. Burr & his friends in all its parts, into duplicity—My hearts [*sic!*] acquits me of the charge—They do not however by conduct of this kind promote Mr. Burrs [*sic!*] election in this place—most men are not to be scolded out of their opinions—I hope you will excuse this scrawl I write in great haste, as her[etofore] your sincere friend—

M. V. Buren

Billy Van Ness's brother, the Congressman, paid a visit to Kinderhook shortly thereafter and tried his powers of persuasion. When he discovered at the end of several days that Van Buren was more zealous than ever for Morgan Lewis, he stopped him one morning in the street and exclaimed with feeling:

"I see, sir, that you are determined upon your course."

"Yes, sir!" retorted Van Buren with equal heat. "I told you so at the beginning."

The Congressman with the rich wife looked hard at the poor tavern keeper's son, and abruptly ended the interview and their friendship with a curt:

"Good morning, sir!"

On the first morning of the three days of election, Peter Van Schaack, his patriarchal features framed in a mass of silver hair, and the venerable father of Billy Van Ness, were standing, arm in arm, in front of the poll clerk's table as young Van Buren

approached to cast his first vote. Odd company, thought Van Buren as he saw the man who commanded a regiment in the Revolution linking arms with the most notorious Tory in all Kinderhook. Van Buren also noticed the son of Peter Van Schaack, haughty and proud of mien like his father, standing beside them. Presently all three advanced toward Van Buren, and young Van Schaack challenged his right to vote.

The astonished inspectors declared themselves satisfied with Van Buren's qualifications; he was white; of lawful age; possessed of freehold of the value of £100 or more; and had never been convicted of a felony. Surely no one would question any of these; the freehold was duly recorded in his name. But it was equally true, although not susceptible of proof, that he was only nominally the owner.

Young Van Schaack, resplendent in rich apparel, his elders nodding their approval, persisted in the challenge, thus compelling Van Buren to submit to the indignity of taking oath that he was not a felon, and was otherwise qualified to exercise the privilege of suffrage. He cast his vote. The Van Schaacks and General Van Ness then departed. But at the next election Van Buren waited until young Van Schaack entered the tavern to cast his vote, and then he retaliated by forcing the young dandy to go through the same humiliating performance.

Some five or six weeks after Burr's defeat by Lewis, gossip reached Burr that Hamilton had said things concerning him. Billy Van Ness, as Burr's friend, carried to Hamilton letters reminiscent of the style of his Aristides pamphlet. And one morning in July all Kinderhook was startled by the intelligence that Hamilton and Burr had met on the gory dueling ground at Weehawken. And like his slain son, Hamilton fired his pistol in the air after he received his mortal wound. It was hard for the people of Kinderhook to believe that Billy Van Ness had been the Vice President's second in the tragic interview.

Van Buren was saddened on hearing the melancholy news. Soon after he heard that Billy Van Ness was in hiding in his father's home. Van Buren was not long in doubt, for Billy sent him a confidential note urging him to visit his place of concealment. He wanted to go to Albany, but feared arrest for his part in the duel, and sought Van Buren's opinion on his right to bail.

The Van Ness home was a brisk half-hour's walk south of the village. Over the dusty Albany post road on this sweltering July day Van Buren trudged toward the big house, which was set far back from the highway, in the center of a semi-circular driveway. As he ascended the wide steps of the porch he observed that the upper half of the double-door was open wide, revealing the back of the snow-haired head of Billy's father, who was seated in a chair, hidden by the lower half of the door, reading a newspaper.

As the old man heard the sound of footsteps he turned his head, and seeing Van Buren—they had not laid eyes on one another since young Van Schaack had challenged Van Buren's privilege to vote—he resumed the reading of the journal. Van Ness had not forgotten, nor forgiven, the youth's opposition to Burr.

Van Buren paused for a fraction of a second after receiving the snub. Then advancing, he stretched his hand over the head of the old man and his newspaper, and seizing the rapper of the knocker, pounded it lustily against the brazen breast of the staring goddess which was affixed to the dead center of the opened half of the paneled door. As Van Buren put forth his hand, he cast a shadow on the newspaper. But the old man gave no sign that any one was near him. Van Buren had an excellent view of the right side of the old patriot's face, and lost a little of his anger as he saw that his lusty pounding had forced a smile. Van Buren then stood stock-still, awaiting developments. Presently Billy came to the door, whispered to his father, who rose, and without turning around, entered the drawing room immediately on the left. Billy then pulled the chair his father had sat in to one side, and unlatching the lower half of the door, admitted his former clerk.

Billy took Van Buren's arm and escorted him down the wide hall, and through the back door. Outside, Billy apologized for the incident, saying that he had forgotten the relations between the two. Billy laughed as Van Buren recounted all that happened. The two walked to a brook, where they could not be seen from the road. It was a stream where other Van Burens had fished and bathed, being part of the original purchase made by Martin Van Buren's American primogenitor, who had borne the same name. The property, a rough two hundred acres, remained in the family

until the close of the Revolution, when the distant relation of Martin's father, as lacking as the tavern keeper in the capacity to hold on to what he had, sold it to pay his debts. Thus it came into possession of the Van Nesses, who had torn down the old wooden farm house and erected the stately pile of brick in its place. On the bank of the stream the two talked over Van Ness's plight, and when they parted with fervent handclasps, Van Buren assured Billy of his unwavering devotion.

There was more than a tribute to Van Buren's legal attainments in Van Ness's appeal for his assistance; there was recognition of his former clerk's political leadership and the influence of the law firm of Van Alen and Van Buren. Van Alen, who had been elected a member of Assembly in the April elections, had been appointed Surrogate of the county shortly after Morgan Lewis was inaugurated Governor on July 1.

Toward the end of the summer Van Buren began to pay his debts to his brother, and started saving a little for the rainy day. The clients of the prospering firm were all small landholders, and Republicans. The magnates of the county, as Van Buren described them in his spoutings on the hustings, all Federalists, retained Elisha Williams or some other lawyer who rejected the Jacobinical teachings of Jefferson. Williams alone created apprehension in Van Buren. Like Burr he mesmerized juries; but there was this difference: Williams depended solely on his well-nigh matchless eloquence. Van Buren was better than Williams on appeal.

CHAPTER IX

Now that Burr was out of their way, it was only natural that the Clintons and the Livingstons would war on each other. A rupture was inevitable. There was no end of able and well qualified Livingstons, many of them, like the exiled Edward, scholars and politically ambitious. On the other side was George Clinton, elected Vice President to succeed Burr. De Witt Clinton had resigned from the United States Senate solely for the vast patronage that went with the Mayoralty in order to augment his strength as a party leader. His appointment of men of influence in groups to which he was alien helped. All this meant additional votes. There were also at his disposal licenses for street occupations which were filled by those who possessed no land, and consequently did not vote. These men were scavengers, porters, cartmen, carriers, criers, carmen, and scullers. Marshals also plied their trade by grace of the Mayor. Tavern keepers opened and closed their doors at the will of the Mayor.

The tavern keeper represented the most influential class in the list enumerated. All were treated as men of the world by the jolly host, whose wares made even those not entitled to vote, believe in the reality of democracy. After a few drinks the poorest man thought himself as good as the Mayor himself, or even the Governor, or the President, or anybody else. Sometimes poor men acquired these moods without cost to themselves. On these occasions they could drink anything in the place. They were always forewarned of these joyous days. The time to begin drinking was carefully calculated. After filling up they would march to meetings to cheer or boo the speakers; or shout aye, or no, when a resolution was offered. Leaders directed their actions. This was easy work, and money sometimes went with the drink. Not infrequently they were called upon to perform more strenuous tasks, such as storming a meeting and pitching all who did not flee into the night. On these evenings of strife the proletaires met in one of the larger taverns, called Long Rooms from their size, and at the appointed time sallied forth to perform their duty.

De Witt Clinton made use of the taverns and every other recruiting agency of popular expression throughout his political career. But in so doing he was following an ancient royal precedent.

Almost immediately after the election of Lewis a coolness developed between him and Clinton. In the fall all relations ceased when Lewis appointed his brother-in-law, Maturin Livingston, Recorder of New York City. The Federalist newspapers denounced the appointment; but they did not remain long with Clinton.

The Federalist supporters of Governor Lewis were more of a hindrance than a help to him. They were destroying themselves with their tactlessness far more effectively than the Republican opposition. This reacted on Lewis and the whole Livingston clan. In the summer of 1805, the Common Council of the city of Albany, composed almost wholly of Federalists, in making provision for the celebration of the Fourth of July, adopted a resolution barring the reading of the Declaration of Independence. The specious plea on which this unwise and uncalled-for action was taken, was that the reading of the immortal document served only to perpetuate prejudices and hostile feelings against Great Britain. More properly might Parliament forbid the printing of the Magna Charta because it recited, in the form of a confession, some threescore counts of royal wrongs. One is a people's indictment of a monarch; the other a plea of guilty by one who can do no wrong; and each is an unanswerable impeachment of divine right.

The Livingstons now felt the need of Edward. But he was far away in Louisiana. There were older and wiser heads among them, but none possessed the particular talent needed to cope with the political machinations of De Witt Clinton.

Lewis continually made capital for the Clintons. He had a glorious record in the Revolution; and in common with most survivors of the fight for freedom, foresaw another war with Great Britain. He was constantly ordering out the militia in the various counties of the State. We must not be unprepared. These brigade parades were not pleasing to militiamen, for to most of them it meant absence from work for three days.

An incident which for refinement of cruelty is unequaled in

our annals, was basely turned against Lewis by the Clintonians. A teacher in Otsego County brutally whipped a little girl until she fell in a huddled heap on the floor. Even then the rain of blows did not cease. The child's offense lay in her refusal to spell a word pronounced by her assassin. An indictment for murder was found, and conviction followed. On the day set for the execution thousands thronged Cooperstown, the county seat, where a gallows had been erected. A cheer went up from the multitude as the condemned man was brought from his cell and the solemn march to the scaffold began. The prayers of the clergymen were audible to the inner fringe of the throng.

On the staging, beside the noose, stood a man whose face was concealed by a grimy black mixture of grease and soot. He was the hangman. He quickly tied the hands of the schoolmaster behind his back. The sheriff then asked the condemned if he wished to address the people. The doomed one nodded, and began a prolonged muttering. Suddenly the sheriff stopped him, and drew from his pocket a document which he read aloud. It was a reprieve. The reprieved man fell in a faint. The mob, whose appetite had been whetted for the sight of a human being squirming at the end of a rope, set up a shout of disappointment. Above the uproar could be heard hysterical laughter and ribald curses. There were some who would have hanged the Governor had he been there.

This incident was kept alive for months; Lewis's enemies untruthfully accused him of having directed the sheriff to stage the scene of horror. The local official performed this exquisite bit of torture as a protest against what he regarded as the Governor's wanton interference with justice.

Clinton, in his opposition to Lewis, made use of the same charge he and the Livingstons had raised against Burr: the Livingstons, one and all, were traitors to the Republican party. Here it should be noted that De Witt Clinton's younger brother, George, who added junior to his name to distinguish him from their uncle, was chosen in February, 1805, to fill an unexpired term in the House of Representatives, and later reëlected to a full term.

Van Buren, hard at his law practice, and almost as hard at the game of politics, took the Clinton end of the row. This was

but natural; he was of the small independent farmer class, and they, almost to a man, were out to wreak vengeance on the manorial families. Although the Livingston manor had been partitioned shortly after the Revolution, the ancient bitterness which had led to uprisings among the tenant-farmers throughout the entire Hudson River valley in the middle of the eighteenth century, survived. In Kinderhook the feeling was perpetuated by the unjust claim of the Patroon that the village and the farms surrounding it were originally Van Rensselaer property. The only results were costly litigation and class consciousness. The defense had been in the hands of the venerable Peter Van Schaack since 1772, but his years were telling on him now, and the freeholders of Kinderhook and vicinity, the Van Schaacks among them, retained Van Buren and his brother to defend the cause. This change in counsel occurred shortly after Governor Lewis's election.

The Clintonians at a secret meeting in Manhattan effected a combination with the Burrites in the month of December. This made Clinton all-powerful in New York City, where the Martling men, staunch Burrites, and loyal to their leader in his exile, controlled the majority of the city's representatives in the Legislature.

In the legislative elections the following April this newly formed amalgamation triumphed. De Witt Clinton was elected a Senator from New York City, where he continued to serve as Mayor.

The politicians and statesmen in Virginia, who had helped the Clintons and the Livingstons in their war on Burr, now lent a helping hand to the Livingstons. This solidarity, later called the Virginia Dynasty, dominated the aristocracy founded on the slave society of the South, and was jealous of the growing power of the New York oligarchy, rooted in the feudal manorial grants. The Virginian aristocrats did not fear the third social division in the country, comprising the merchant and farmer class of New England. These were so intensely Federalist as to be a negligible factor in the country's politics. But New York, Republican like the South, and not lacking in men of great attainments, was menacing the Old Dominion's control of the nation. To render New York impotent, the Virginians, by devious means, fed the

fires of dissension among the Republicans of the Empire State.

When the Legislature elected in the spring of 1806 convened, the Assembly, following its usual custom, chose the Council of Appointment. All, of course, were Clintonians, headed by De Witt Clinton himself. This done, the new Council of Appointment removed Maturin Livingston from the office of Recorder of New York City, replacing him and other members of the Livingston family and its followers, with their own. Governor Lewis voted against these replacements, but his vote was only one of five.

The Livingstons were dwindling as a political power. And now the Virginia Dynasty, following its practice of aiding the weaker side of the New York factions, assailed Clinton in its organ, the Richmond *Enquirer*. The basis of the attack was that Clinton was Mayor of New York, a State Senator, and a member of the Council of Appointment at one and the same time. A like charge could have been made not so far back when Jefferson's appointee to the office of United States Attorney for New York was also the city's Mayor. But then the Virginians were aiding the Livingston-Clinton coalition in its war on Burr. The statesmen of the Old Dominion were not doing anything novel; they were playing a game known to the ancients. But they had improved on the methods employed by the tyrant of Corinth twenty-four centuries earlier in ridding himself of "overtopping citizens." The particular head topping the rest of the political cornfield in the year 1805 A.D. was that of Vice President Clinton, whose candidacy for the Presidency was being openly espoused by the major faction of the New York Republicans.

One of Clinton's first acts as Senator was to introduce a resolution to expel Ebenezer Purdy from the Senate. Purdy had taken a bribe from the sponsors of the Merchants Bank of New York, which obtained its charter the preceding year—for a price. Purdy resigned his seat the day before the Senate met to act on the Clinton resolution. Clinton could not endure a corruptionist. He contemplated prosecution of Purdy, but abandoned his design when he discovered no law on the statute books against bribery of public officials.

Richard Riker, Clinton's second in his duel with Swartwout, and now a member of the Assembly, hastened to correct this deficiency, and prepared a measure to make it impossible for

another corrupt legislator to escape criminal prosecution. The bill was introduced March 31, and seven days later Governor Lewis's signature made bribery punishable by not more than two years' imprisonment and a fine of one thousand dollars.

In the spring elections of the following month the Federalists, in counties where they were in the minority, voted for candidates for the Legislature who wore the quarterings of the Livingstons. In the new Legislature the Federalist-Livingston forces had a majority in the Assembly. In New York City, in the municipal election that year, the Federalists and the Livingstons elected a majority to the Common Council. Instantly all followers of De Witt Clinton who held office at the pleasure of the local body were removed.

This amalgamation with the Federalists alienated a considerable body of Republicans from the Livingstons, who were now dubbed Quids, as the followers of John Randolph of Roanoke had been. Toward the close of 1806 the Quids found that their alliance with the Federalists, which gave them scant control of the Assembly, was worthless in a party caucus: here the Clintonians marshaled a preponderating majority. As the traditional method of nominating a Governor was at a closed meeting of the party's representatives in the Senate and Assembly, the Quids held a sparsely attended meeting in New York City on New Year's day and renominated Lewis. When the Legislature met, the Quids, aided by the eighteen Federalists in the Assembly, elected a Council of Appointment committed wholly to the fortunes of the Livingston family. At once reprisals on the Clintonians were made, which were capped with the removal of De Witt Clinton as Mayor of New York.

These removals were made on Monday afternoon, February 16, 1807. They did not come unexpectedly, for the legislative elections of the preceding spring foreshadowed what would happen unless the Clintonians were ready to capitulate. In the appointment of Marinus Willet, an old ally of Burr, and a distinguished patriot, as successor to Clinton, an excellent and popular choice was made. Other Burrites were given place by the anti-Clintonian Council of Appointment. The reappointment of Maturin Livingston as Recorder of New York, and his brother-in-law, Dr. Tillotson, as Secretary of State, served only to em-

phasize the charge of the Clintonians that the Livingston family were hogging the principal offices of trust and emolument in the State.

On the evening of the same day the Republican members of the legislature caucused and nominated Daniel B. Tompkins for Governor. We met him earlier when he and twenty-nine others joined with Billy Van Ness to evade the election law by buying a house in Manhattan that they might qualify as voters. Tompkins was now a circuit judge of the Supreme Court. Far abler men could have been named to oppose Lewis, and had the Clintonians followed precedent and nominated a factionist of State-wide fame, and of recognized talents, their choice would have been limited to De Witt Clinton and his brother-in-law, Judge Ambrose Spencer. But these two were unavailable because De Witt Clinton wanted to keep alive the charge that the Livingston family were selfishly ambitious. They also sought to capitalize the ill-feeling against the Livingstons among the small independent farmers who, with the small tradesmen, constituted the bulk of the Republican electorate.

In nearly every partisan effusion, written or spoken, the Clintonian nominee was referred to as "the farmer's son." Van Buren canvassed unceasingly for "the farmer's son," save during the week-end immediately following the nomination. A short time before Van Buren had been sworn in as the counselor of the Supreme Court. In those early days a lawyer had to practice in the inferior courts four years or more before being permitted to undertake the weightier problems of his profession. And almost immediately thereafter he proposed to the fair Hannah Hoes —he called her in their own tongue, Jannetje—and on the Saturday morning following the naming of Tompkins, Van Buren and his childhood sweetheart were married in the village of Catskill. Both wished to avoid the boisterous celebration which would have followed a wedding in Kinderhook. This mutual wish for privacy entailed a round trip of twenty-five miles over the snow-covered roads and the frozen Hudson. Van Buren was twenty-five years old, and his bride a year his junior.

In the ensuing weeks Kinderhook's newest benedict paid more attention to politics than to the domestic hearth. He was on the hustings day and night. He covered the distances on

horseback, speaking in taverns and at the cross roads. When he visited a public house he stood treat for all who lined up before the bar with him, taking his own share of whatever was served.

The election wrote *finis* to the political control exercised by the Livingston family as effectively as the election of Lewis three years before did to the public career of Burr. The duel was only a confirmation.

There was not much excitement in Kinderhook until late one evening in August when word was received that anchored off Clermont, the seat of Chancellor Livingston, was the invention perfected by Robert Fulton, a Livingston by marriage. Clermont, after which the first steamboat was named, was a generous twenty miles down the river. Fulton's modest report of the trip reads:

> I left New York on Monday at one o'clock, and arrived at Chancellor Livingston's seat at one o'clock Tuesday—time twenty-four hours, distance one hundred and ten miles. On Wednesday I departed from the Chancellor's nine A.M., and reached Albany at five P.M. The sum is one hundred and fifty miles in thirty-two hours, equal to nearly five miles an hour. Returning I made it in thirty hours—just five miles an hour.

The *Clermont* passed Kinderhook Landing on her maiden voyage in the middle of the afternoon. And on the shore as the *Clermont* steamed by, with sparks belching from her smokestack, was all Kinderhook. What had been *Fulton's Folly* two days before, was now a miracle materialized.

CHAPTER X

Van Buren had an anxious concern in the new Council of Appointment chosen on February 1, 1808. The Council proceeded immediately to eliminate all Livingstons from office and restore the Clintonians to their old places, De Witt Clinton, of course, being reappointed Mayor of New York City. Throughout the State, sheriffs, mayors, justices of the peace, and other local officers who were beholden to the Livingstons or suspected of loyalty to the cause of the fallen house of Callender were displaced. Officers of the militia suffered a like fate. In all these appointments the wishes of the Republican members of the Senate and Assembly were consulted. Thus, with few exceptions, the new appointees were partisan rather than personal appointees. In the third week of March Van Buren was appointed Surrogate of Columbia County to succeed his brother. Van Alen had no flair for politics, and sought office only to promote the interests of the law firm.

At the caucus in the National Capitol in January, Vice President Clinton, New York's choice, received three votes, a like number being cast for James Monroe, while the other Virginian, James Madison, was nominated by a vote of eighty-three. Clinton was again named for second place. In those early days Presidential campaigns were of ten to twenty months' duration.

The nomination of Madison was not unanimous. Seventeen Republican members of Congress, including De Witt Clinton's brother, protested. The Clintonian press also disapproved the choice. Articles in the Albany *Register* were typical of the outbursts of Clintonian rage. This journal, while declaring its confidence in Mr. Madison, insisted that the nomination for the Presidency rightfully belonged to Vice President Clinton, and voiced the truth in charging the politicians and statesmen of Virginia with cherishing an opinion that only a Virginian was fit to be President.

These protests of the Clintonians had their constructive side: they were paving the way for De Witt Clinton's ambition

to be President. Four years hence his uncle would be of an age which traditionally disqualifies men for the highest office in the land; the nephew would be fifty-three. Van Buren enlisted early in this campaign, giving, as he gave to all things associated with a canvass, every surplus ounce of energy.

These political endeavors of Van Buren raised a host of implacable foes in his county. South of Kinderhook lay part of the old Livingston manor, where the venerable Chancellor and many of his kin resided; to the north and east were the lands of the Van Rensselaers. On the west lay the Hudson. Sometimes he felt that there was more friendship for him in the river than on its banks. But he was seldom downcast.

Van Buren cultivated a quiet disdain for his political foes. He believed himself more than a match for them in a fair fight. His principal asset was a cheerful disposition. His smile and ready wit dominated the gatherings in the court room when the judge was not on the bench; and in the little social gatherings where law and politics were taboo, he was looked up to; in the less formal assemblies in the tavern his jovial nature was marked, and he was not above partaking a sling. The base of that thoroughly democratic loving cup was rum, Schiedam, whiskey, or brandy, as fancy dictated. Into the largest tumbler in the tavern was poured a full gill of spirits; and to this was added cold water, and sugar to taste. The mixture was then stirred until it foamed. He who ordered sipped a little and passed it to the next, who likewise took a small drink and coasted it to his neighbor; and so until all had drunk from the same glass: when emptied, some one else would stand treat. Van Buren was temperate. He rarely drank to a point where he lost the caution for which he was noted. His readiness to mingle with tavern frequenters when occasion required counted heavily in his favor.

In the spring Van Buren made his first visit to New York since leaving it nearly five years before. This, too, marked his first appearance before the highest tribunal of the State, the Court for the Correction of Errors, a most august and anomalous body, in which all three divisions of government commingled. It was composed of the Governor, the Lieutenant Governor, the Chancellor, the five justices of the Supreme Court, and the thirty-two Senators. And if Billy Van Ness was in town during this

May term of the Court, Van Buren called on him, for Burr's second was seeking a restoration of his civil rights which he lost because of his part in Burr's duel with Hamilton. It was due to Van Buren's efforts that Governor Tompkins removed the bar to Van Ness's exercise of the suffrage and to holding office. Van Buren was fond of his impetuous preceptor who was now compiling his two-volume work, much consulted by the lawyers of his day.

In New York Van Buren heard much criticism of the Clintons. The Vice President himself was charged with secretly opposing Jefferson's Embargo Act, a most unpopular measure with the merchants, whose trade it paralyzed.

Van Buren studied this question; he copied extracts of the violations of the law, and their prosecution. The ineffectiveness of the act was becoming apparent to analytical observers as the Presidential campaign drew nigh. But Jefferson, unwilling to confess that he had been worsted in matching wits with Pitt and Napoleon, let the law remain on the books, and the Burrites and the Livingstons, who were holding on grimly and hoping for a better day, charged the Clintons with playing false to the idol of American democracy.

This charge was a half-truth. The Clintons had been, like many other Republicans, opposed to the Embargo, but as early as the beginning of the year De Witt Clinton publicly renounced his old belief and declared himself in favor of the Embargo. This, too, was Van Buren's stand.

In the Electoral College which chose Madison for President and reëlected Clinton Vice President, six of New York's Electoral votes were cast for Clinton for President, and three New York Electors voted for Madison for Vice President. New York was formally serving notice on the Virginia Dynasty.

Sometime in December, 1808, or not long after the New Year, Van Buren and his family moved to Hudson, now the county seat; and here, in the month of February, he presided at the first of a series of meetings to counteract the anti-Embargo rallies of the Federalists. Extremists among the latter saw only the defects of democracy, and favored a monarchical form of government. Many were for a return of British rule, and like Hamilton, believed that the government of the mother country, as

it existed before the Reform Acts of 1787, was "the best in the world."

At this first meeting in Hudson Van Buren drafted resolves upholding Jefferson, and breathing defiance to France and England alike, and asserting that the Embargo Act was one of three courses left us as a nation, the other two being war or "submission to European despots." At a second assembly in Hudson, Van Buren again drafted the resolutions which read:

> Resolved, as the sense of this meeting, That the decrees and orders of France and England are the real cause of the interruptions to our commerce and the consequent embarrassment of our citizens; and that our Government, by submitting to these decrees and orders, would have destroyed the independence and surrendered the sovereignty of the American nation.
>
> Resolved, That the members of this meeting . . . do solemnly engage to support the Government in measures to obtain redress for our national injuries, and protection to our national rights; that they will never be driven from a fair and manly support of this resolution by the power of our enemies or the threats of factions, and that, should the Government be forced to abandon the pacific policy it has pursued and unsheathe the sword, they will be found at their posts ready and willing to sacrifice their lives and fortunes in their country's cause.

Similar meetings were held throughout the State. When the Legislature of 1809 was in session four days, De Witt Clinton introduced like resolutions pledging support to the National government. In moving them, he condemned the rabid opposition of New England to the Embargo Act; denounced the policy of the Federalists in Massachusetts as tending to a division of the Union and declared that the Eastern Federalists, like Milton's fallen angel, held that it was "Better to reign in Hell than serve in Heaven."

The purpose of these February meetings which Van Buren called, and similar efforts of Republican leaders elsewhere, was to support Jefferson in the closing weeks of his career as President. But they did not avail, for one of Jefferson's last acts was to sign a measure repealing the Embargo, thus leaving the incoming President a choice—to use Van Buren's phrase—of war or submission to European despots.

CHAPTER XI

For the first two years of Madison's administration Surrogate Van Buren led a more or less eventless life. His law practice was constantly increasing; his quarrels with the Federalists and the anti-Clintonian faction in the county grew in like measure. He made frequent visits to Albany, sometimes appearing before the Court for the Correction of Errors. In his visits to Albany he was invariably accompanied by Sheriff John C. Hogeboom, the Republican overlord of Columbia County. When Hogeboom's fees were branded as extortionate by the Federalists, Van Buren defended him in letter, handbill, newspaper advertisement, and on the hustings.

In the spring elections of 1810 the Federalists elected a majority to the Assembly. This victory was due to the hostility of the merchants to the National administration, and the continued opposition of the Martling, or Tammany, men to De Witt Clinton. Again Clinton lost the Mayoralty of New York. But in another twelvemonth the Republicans regained control, and the new Council of Appointment restored Clinton to his old office; and in the same April balloting he was elected Lieutenant Governor of the State. Clinton, now an active candidate for the Presidency, was the target of the Virginia Dynasty which was advocating the renomination of Madison. Clinton had spent the $90,000 he had received in fees as mayor of New York in financing pamphlets, editors, and political aides to promote his candidacy. What little he had besides went the same way. In a word he was broke. But only his intimates knew this.

During the spring elections Van Buren had his first political clash in the open. Jacob Rutsen Van Rensselaer, one of Columbia County's representatives in the Assembly, was a candidate for reelection on the Federalist ticket. It was reported and believed in the district that Van Rensselaer had said in a debate in the Assembly that the tenants of the Manor were not fit to govern themselves and "deserved to have a master." Accompanied by Elisha Williams, Van Rensselaer called on Van Buren, explain-

ing that while he had no suspicion that Van Buren had even countenanced the canard, which was doing him unmerited harm, he was confident that a word from him would effectually counteract this unfair campaigning.

Van Buren replied that he would gladly publish a card denying the report, provided Van Rensselaer would repudiate equally untruthful stories about Van Buren which were at that very moment being published by the local Federalist press, although he was not running for office. In making this stipulation, Van Buren observed that these calumnies against him had not met with any criticism from Van Rensselaer or his friends.

Van Rensselaer was unwilling to do this; and finding Van Buren insisting on a *quid pro quo*, announced that he would call a meeting of the people of the Manor towns and accuse Van Buren of having written to Reuben Whallon, an Assemblyman from Washington County, urging him to withhold action on a petition of the tenants for relief, that the delay might adversely affect Van Rensselaer's candidacy. Van Buren hotly branded this charge as untrue. Van Rensselaer admitted that he had not any proof. He had been informed that such a letter existed; anyway he would call a meeting of the people of the Manor towns and make the charge since Van Buren would not comply unconditionally with his demand.

Van Buren wrote to the chairman of the meeting recounting what had occurred between him and Van Rensselaer. He specifically denied the charge about to be made. He sent the communication by a trusted aide who requested that the letter be read to the audience.

This request for fair play was rejected. The people only heard the impeachment of Van Buren, who promptly denied the charge in handbills and cards in the newspapers. He next called a meeting of the Manor towns. On the night of his meeting, Van Buren observed Van Rensselaer in the rear of the room. Beside him stood Elisha Williams and several Livingstons.

In his rapid declamatory delivery, in which nothing was left to the imagination, Van Buren denied all that Van Rensselaer had said of him, and read duly certified copies of his correspondence with Assemblyman Whallon supporting his disavowal. Van Buren

then invited Van Rensselaer to maintain the charge in the face of all this, if he could.

Van Rensselaer smiled as Van Buren finished. Van Buren had played into his hands. All that he had said were self-deserving declarations. He had avoided giving the lie, even indirectly, and Van Rensselaer would capitalize this in the campaign. Van Rensselaer and his friends were satisfied, and the scion of the great Patroon held his peace. Van Buren remained standing in silence for two or three minutes. When the audience grew restless, he stretched forth his hand for quiet. Then, in his loud voice he declared that the silence of Van Rensselaer could be construed as nothing less than a confession that his charges were untrue.

Van Rensselaer, his face flushed as he heard his veracity impugned, strode forward angrily to the platform where Van Buren awaited developments. Van Rensselaer merely defended his original charge, and pledged to deposit five hundred dollars in court if Van Buren would sue him, agreeing to forfeit the money if his accusations were not actionable and he could not prove the truth of them. The words used by Van Rensselaer were chosen with such nicety as not to be actionable.

When Van Rensselaer finished, Van Buren told his hearers that he would accept the challenge, and asked them to remember his prediction that the five hundred dollars would not be deposited. Van Rensselaer did not prove the charge.

Throughout the summer Van Buren made efforts to have him make good his pledge. In a letter dated August 24, 1811, Van Rensselaer briefly wrote, tongue in cheek, that he was no longer bound by his promise, saying that Van Buren should have commenced action before the April elections were held.

Van Buren, whose unexpected moves were a constant source of dismay to his opponents, published the correspondence between himself and Van Rensselaer. This further widened the gulf between Van Buren and the county's aristocrats, and the ill-will they bore him was magnified by toadying retainers whenever opportunity offered.

At the fall term of the Supreme Court the long-drawn-out action of the Van Rensselaers to dispossess the people of Kinderhook from the homes they and their ancestors had honestly held for more than a century and a quarter, came to trial. Van Buren,

as chief counsel for the defendants, attacked the credibility of a surveyor formerly in the employ of the defendants. This occurred on Friday, November 22, during Van Buren's summing up. Van Buren had previously served notice on the counsel for the other side of his intention to impeach their witness. Counsel for the Van Rensselaers included Elisha Williams, his brother-in-law, Thomas P. Grosvenor, then a member of Assembly and later Congressman, and John Sudam of Kingston, a prominent Federalist on the other side of the Hudson, and in after years a distinguished member of the State Senate. Sudam was very young and very impetuous.

During the impeachment of the surveyor's credibility, Sudam interrupted Van Buren with offensive personal references. Van Buren, who had not yet acquired the capacity of ignoring attacks that recoiled on their makers, answered in language equally abusive. There the matter rested. At Saturday's session the case went to the jury without any untoward circumstance. The incident of the day before was forgotten.

On Sunday, Van Rensselaer—the same Jacob Van Rensselaer who had the encounter with Van Buren—gave a dinner at his mansion in Claverack, to which were invited the counsel in the case and other leading members of his party who were stopping in Hudson for the November term of court. The Livingstons came from their ancient seat to grace the gathering. Wine flowed freely, and friend and foe entered into the hilarious conversation. Naturally there were unpleasant criticisms made of Van Buren. Just what was said at this dinner concerning Van Buren is not known; but the next morning, while Van Buren was seated in court waiting for a case to be called, Elisha Williams's brother-in-law called him out and, announcing that he was acting as the second for Sudam, presented him with a challenge and generously offered to try to compose their differences.

Van Buren, smarting under the continued partisan assaults, just and otherwise, which had been visited upon him since he was a boy in Francis Silvester's law office, thanked Grosvenor, and said that he had passed the point of endurance, and that he would make a formal reply through his friend, George Morell, who, he was certain, would serve as his second.

Van Buren had a total disregard of consequences once he had

embarked on a given course. He seldom gave quarter to a partisan foe; and never asked for any. He did not believe in the code duello, but to decline the challenge would have called for more moral courage than he possessed; ancient tradition sanctioned the custom, and good society approved it. These considerations outweighed conscientious scruples, religious beliefs, and love of family: in this regard he was another Hamilton. Besides his frail little wife there were two others now looking to him for support; the older one, named after Mine Host Van Buren, was not quite four years old; then there was John, who was beginning to pronounce an occasional word intelligibly, Dutch or English, as infant whim dictated. Then there were the old folks up in Kinderhook. Van Buren went through the day without any one knowing what was passing in his mind. He was being forced to the wall. Well, he would face them and fight back.

After court adjourned he asked Morell to serve as his second. Morell agreed. He then sat down and wrote a formal acceptance, which is preserved with his papers. The last word of his acknowledgment of the challenge, legible that November evening beneath the blob of ink, is now indecipherable. The acceptance reads:

Sir,

Your communication has been handed to me by Mr. Morell he is authorized to make arrangements contemplated and [word blurred]

Your hble svt

M. V. Buren

Nov 25 1811

J. Suydam [*sic!*]

That date!—Monday, November 25, 1811: his firstborn would be four years old on Wednesday, only two days off!

The small, narrow sheet of note paper was handed to Morell. Van Buren then went home.

The next morning Morell returned with word that Grosvenor, who had been roundly scored by his brother-in-law and his friends for delivering the challenge, had withdrawn as Sudam's second. Morell had gone to Sudam, who declined to receive Van Buren's acceptance, insisting that it must come through Grosvenor.

Van Buren, his fighting blood up, dispatched Morell to Sudam with a verbal proposal that they select others to act as seconds. Back from Sudam's hotel came Morell: under the circumstances Sudam could not dispense with Grosvenor's services.

Van Buren, unsatisfied, sat at his desk, carefully selected the broadest quill, and wrote on a large sheet of paper. In another minute he was on his way to Sudam's hotel, where he posted Sudam as a coward.

The threatened encounter ended with Van Buren, Sudam, and their seconds being bound over to keep the peace.

For years Van Buren and Sudam did not speak, although the latter made several indirect overtures for peace. One day, when unexpectedly seated opposite each other in a tavern during the noon recess of court, Sudam, recovered from his astonishment, asked Van Buren to pass the bottle of wine. The better class of taverns always placed a bottle of native wine on the dining tables. Van Buren, instead of passing the bottle, asked Sudam if he would drink a glass with him. After toasting each other they returned to court together arm in arm.

CHAPTER XII

The aborted duel between Van Buren and Sudam gave him his first public prominence outside of the Dutch counties. Newspapers reprinted the articles from the local papers; and because of the prominence of the Federalists at the dinner in Jacob Rutsen Van Rensselaer's home on the eve of the challenge, Van Buren was regarded by many as the intended victim of blind Federalist rage. We must do justice to the memory of those who dined with the impetuous and wine-fired Sudam. The conduct of Elisha Williams and other guests of Van Rensselaer in persuading Grosvenor to withdraw as Sudam's second, leads to the conclusion that there had been no talk of a duel in Van Rensselaer's home, unless, possibly, between Grosvenor and Sudam. Van Buren received letters approving his conduct from Richard Riker and other leaders of his party.

Shortly after Riker's letter reached Van Buren at his home in Hudson—it bore the date of February 17, 1812—he was visited by Billy Van Ness, now the lord of his father's manse. Billy was ambitious to run for State Senator against Edward P. Livingston, the Federalist nominee, then representing the district. Van Buren replied that he wanted Sheriff Hogeboom to canvass against Livingston. He said that Hogeboom's services to the party entitled him to the nomination. Billy thanked him for the frank answer and went his way.

Van Buren and Sheriff Hogeboom went to Albany a few days later. On the way Van Ness joined them and all three entered the city together. Hogeboom and Van Buren were there a few days when they learned that Billy was intriguing to name his own man for State Senator if he himself could not get it.

Through Van Buren's mind flashed a panorama of his relations with the Van Nesses: his aiding Billy's brother to obtain a seat in Congress; the latter's failure to make good his promise to assist him in those trying two years in Manhattan; Billy's threatening letter when he learned Van Buren was opposing Burr; the subsequent humiliation inflicted on him at the polling booth

by Billy's father and Peter Van Schaack and the latter's son; his successful efforts to restore Billy's citizenship. He owed the Van Nesses nothing: they were in his debt. And now Billy was adding another black mark to the record.

Posthaste to Hudson returned Van Buren and Hogeboom. On this short trip Van Buren received a fresh surprise. Hogeboom informed him that many of the leading Republicans in the district wanted Van Buren to make the race, and capped it by announcing that De Witt Clinton was of like mind, adding that his business affairs would not permit him to run; and he spoke so earnestly that Van Buren agreed to make the contest provided Robert Jenkins did not seek the place. Robert was a brother of Elisha Jenkins, Secretary of State, and Seth Jenkins, Jr. Their father was Seth Jenkins, Sr., who, with his brother, Thomas, wealthy Quakers from Rhode Island, purchased the site of Hudson as a settlement for their families and others of their faith the year after Van Buren's birth. Robert was Mayor of Hudson, as his father had been before him. Van Buren believed that if the Mayor wanted the honor, it was only fitting that he should have it, rather than a newcomer in Hudson like himself.

On reaching Hudson Van Buren invited Seth Jenkins, Jr., and two others, who constituted the local delegation to the Senatorial Convention, of which he was chairman, to meet at his home in the evening. When all were assembled Van Buren repeated his conversation with Sheriff Hogeboom. He spoke of his own disinclination to run, and of his intention to support Mayor Jenkins if he sought the nomination. From the ensuing conversation Van Buren inferred that he had been mistaken in assuming that the Mayor was a candidate. Moreover, they concurred with Hogeboom that Van Buren should be the nominee.

Following this conference Van Buren issued the call for the convention. A few days later, a country justice of the peace named Wagner called at Van Buren's office and observed that Hudson was to have the Senatorship. Van Buren coyly replied that that seemed to be the plan. The plain-spoken countryman blurted out that he meant Mayor Jenkins and no one else. Van Buren replied that he was in error. The rustic insisted he was right, and that within the hour Seth Jenkins, Jr., asked him to support his brother, and that when he said he had heard talk of

Van Buren, Jenkins had said Van Buren's youth—he had celebrated his twenty-eighth birthday less than three months before—and his recent removal to the city disqualified him.

Van Buren at once addressed invitations to Seth Jenkins, Jr., and the other two delegates from Hudson, to a second conference at his home. Without parley he informed the three what he had heard. Jenkins confirmed the correctness of the information. It should be borne in mind that Van Buren was of pure Dutch stock, and boastfully proud of this to his last hour; contrariwise, he always regarded the descendants of the English in common with the Dutch of the day, as not only a race apart, but in the finer qualities inferior to his own people. Among the descendants of the settlers of the New Netherlands there still persists the tradition that the Dutch gave the name of Yankee to the English settlers back in 1642 when a British officer likened the petty quarrels between the Dutch and the English in Connecticut to two dogs snarling over a bone. Snarler in Dutch is *Janker;* and Yankee is obviously a mild corruption of this word. Van Buren demanded with considerable warmth why Jenkins had treated him so ungenerously. Jenkins was to him a Yankee, and in relating the incident, he observed that "Mr. Jenkins had many of the good qualities of his race."

Because of his faith, Jenkins could not take an oath, but he affirmed that he was not inspired by unfriendly motives, but was governed by circumstances which he would some day reveal. He assured Van Buren that neither he nor his friends would complain of whatever course Van Buren might elect to pursue in the convention. He protested that any appearance of unkindness or disingenuousness on his part did him an injustice. But what had wrought the change in him? Angry as he was, Van Buren could not quarrel with such an opponent. He told Jenkins that henceforward he was out to get the nomination; and as a parting shot, assured them he was certain to triumph over his foes.

At the convention Van Buren was opposed by the Jenkinses, the Republican members of the Livingston family, and the friends of Billy Van Ness. As he had suspected, Robert Jenkins and Billy Van Ness had an understanding; but it was long after that he learned that Van Ness had pledged Jenkins to secrecy

while the contest lasted. Van Ness's scheme was to combine forces, and after defeating Van Buren to let the convention decide between Van Ness and Jenkins. Van Buren was nominated on the first ballot.

Until after the State Constitutional Convention of 1821, New York was divided into four Senatorial Districts, the Southern, Middle, Eastern, and Western Districts; so that a candidate for the upper branch of the State Legislature had to canvass one-fourth of the commonwealth. The Middle District embraced the Dutch counties on either bank of the Hudson and all the Catskill Mountains region. This was the arena in which Van Buren contested for supremacy with one of the Livingstons. Van Buren's adversary not only was the regular nominee of the Federalist Party, but had a spurious Republican nomination to boot. The old friends and supporters of Burr, led by Billy Van Ness, worked zealously to defeat Van Buren. A powerful group of New York financiers also aided Livingston. These were trying to bribe the New York Legislature to create a successor to the Bank of the United States, whose charter had failed of renewal in the United States Senate by the casting vote of Vice President Clinton.

Livingston openly advocated a charter for the Bank of America, as the contemplated successor of the Philadelphia institution was known. After Van Buren had been nominated, and while the bill chartering the Bank of America was before the Senate on second reading, Governor Tompkins prorogued the Legislature from that day, March 27, until May 21.

In his message to the Legislature Tompkins justified this drastic action by saying he had sufficient proof to convince him that the applicants for a charter had used, or attempted to use, corrupt means to gain their ends.

The Governor's resort to this relic of royal prerogative convulsed the State. That bribers had been employed was beyond question. Solomon Southwick, editor of the Albany *Register*, was almoner for the charter applicants. His chief assistant in bribing legislators was David Thomas, the State Treasurer.

Livingston's advocacy of the bank charter, and the opposition of the Federalists to the Republican demand for war with England, were capitalized by Van Buren. To wear a red ribbon on

one's watch fob meant a mauling. That the color was part of a Republican dandy's apparel mattered not to his fellow Jeffersonians: to most of them it was the secret badge of a Tory. So watch ribbons of red went out of favor before the election was over.

Towards the end of the campaign Vice President Clinton died. When the returns began to come in Van Buren conceded Livingston's election by a small majority. Many normally Republican counties were carried by the Federalists' nominees for Assembly, thereby giving them control of the lower house. Van Buren would forget his defeat in his law. He packed his bag, and threw his references and notes into his green bag preparatory to leaving for New York to attend the May term of the Court for the Correction of Errors. It would be easier for him to forget the election if the Federalists in the hotel across the street would only be quiet. They had been singing constantly since noon, and their songs grew louder and less tuneful as the afternoon progressed. Every one in the hotel seemed to be singing—and drinking. He could see one or two of the celebrants watching his door through a window of the tap room. It was common knowledge that he was taking the New York boat that afternoon.

Van Buren, weighted down by his luggage and papers, strode out of his office. As he stepped into the street, the merriest of the lot, with grins that would have been a credit to Silenus, sallied forth on the piazza of the hotel and bestowed their broadest grimaces on Van Buren. They uttered not a word. They just swayed to and fro and leered at him.

On the steamboat, Van Buren met Ebenezer Foot, also bound for the May term of court. Foot had been one of the foremost Republicans until the recent campaign, and pretended to sympathize with Van Buren. Two hours later, as the steamboat was pulling out of Catskill, Van Buren saw the tall figure of Moses I. Cantine, his brother-in-law, towering above the crowd on the wharf, frantically pointing to a small sail heading for the steamboat. Presently the little craft hove alongside, and a packet addressed to Van Buren was thrown on board. As Van Buren read the enclosure his face lighted: Cantine had given him the official returns from Delaware County, which varied several hundred from the unofficial canvass,—and in Van Buren's favor. The

corrected figures gave Van Buren so pronounced a lead over Livingston in that western extreme of the Middle Senatorial District that his election was assured.

Van Buren showed them to the sympathizing Foot. He smiled as he saw Foot's countenance drop the mask and reveal the disappointment that suddenly possessed him. The official canvass was: Van Buren 5,993; Livingston 5,800. It was a slender majority; but large enough to make him a member of the Court for the Correction of Errors before which he would appear on the morrow. It was a pleasing prospect.

When he reached New York City he learned that the two Clintonian nominees for Senate had defeated the candidates of the Martling men by substantial majorities. A queer lot the Martling men; held together by the mummeries of a pseudo-Indian ritual; chartered by the Legislature as a benevolent organization, but in fact a compact political body, not numerically powerful, but at times capable of deciding close elections. Their one hate was Clinton.

CHAPTER XIII

Van Buren stopped at the most fashionable boarding house in New York. This was kept by Mrs. Rosa Keese at No. 1 Wall street, on the south corner of Broadway, facing Trinity Church. Here the élite of the bar from the country districts forgathered and talked law and politics. They were now talking war, and their talk was marked by a violence that the most impassioned advocate would hesitate to use before a jury.

The Senator-elect from the Middle District proved an excellent audience. He saw old friends sit down to discuss the threatened conflict and part in silence. In the language of Dr. James Renwick, "the only true question was, whether Britain or France should be selected as an enemy, for both had been equally guilty." Madison would not be renominated if he did not consent to declare war against England. Henry Clay and other Republican leaders in Congress threatened to desert him if he did not remain faithful to the teachings of Jefferson, which were now reduced to: peace with France and war with England.

He heard the Martling men curse Clinton as a traitor to his party and to his country. His treason lay in his seeking the Presidency and in his supposed opposition to a war with England. It was rumored that Ambrose Spencer, who married a sister of De Witt Clinton, was ready to take the field against his brother-in-law.

Van Buren was beginning to understand with horrifying clearness how his own little village had been divided against itself in the Revolution. Those who were decrying the talk of war were not all Anglophiles; some had shed their blood in 1776. Their hatred for their old foe had not abated with the years. They also loathed the thought of a conflict that might wreck the experiment which all Europe wanted to destroy. This divided sentiment was not peculiar to New York. It was general.

Federalist papers for two years had been denouncing the suggestion of war. Distinguished ministers of the Gospel thun-

dered anathema at France and all who cried for war with England. David Osgood, from his famed pulpit in Medford, preached:

> The strong prepossessions of so great a proportion of my fellow citizens in favor of a race of demons and against a nation of more religion, virtue, good faith, generosity, and beneficence, than any that now is or ever has been upon the face of the earth, wring my soul with anguish, and fill my heart with the apprehension and terror of the judgments of heaven upon this sinful people.

Osgood was neither a sensational pulpiteer nor an impetuous talker; seventy-five years made him cautious; a bachelor's degree from Harvard and a theologian's training made for conservatism. He was professedly pro-British, and violently opposed to France. Osgood was typical of most Federalist leaders. Rational men, who tried to avoid taking sides, asked themselves if a declaration of war against England would not spell civil war at home.

Madison was made to see the crisis through the eyes of Jefferson and Clay, and on the day following the reconvening of the prorogued Legislature in Albany, the Republican Congressional Caucus met in Washington and renominated him. Only eighty-three of the one hundred and thirty-three Republican members of Congress attended the Caucus. Madison was not popular with his party. After Madison was nominated war ceased to be a debatable issue: war henceforth was only a question of time.

Almost immediately after the Legislature reconvened a majority of Federalists and Republicans, as Tompkins knew in advance, combined and passed the charter of the Bank of America. Some lawmakers were for the charter because they had friends interested in the promotion of the bank; some were bought. The charter out of the way, the Republican members of the Legislature met on May 28, six days after Madison's nomination by the Congressional Caucus, and nominated Clinton for President.

A silent spectator at the caucus was Clinton's brother-in-law, Chief Justice Spencer of the Supreme Court. He had Clinton's interests at heart, and with war a certainty, believed that Clinton would have no chance with Madison pictured as the unselfish, patriotic redresser of the country's wrongs. He urged him not to jeopardize his brilliant prospects. Another four years would not be long to wait. But Clinton saw victory ahead. He had

regarded Madison as a personal enemy ever since a former clerk of the President attacked him in the Washington *Monitor;* and the unceasing criticisms of himself and family by the press of the Virginia Dynasty only whetted his desire for the contest. Clinton, in permitting the Federalists to acclaim him as "the Peace President," wrecked his campaign almost before it was under way. As we shall see later, he lost the campaign through the defection of a single State.

On June 18 war was declared. Clinton's Republican supporters in the New York Senate, anticipating that they would be charged in time to come with disloyalty in opposing a war President, adopted resolutions before word had reached Albany of the momentous decision at Washington, pledging "to support such measures as shall be adopted by the General Government for the vindication of our violated rights and honor." The Federalist members of the Senate offered an amendment declaring that "neither the honor nor the interests of the United States require that a war should be declared against either of the belligerent countries." This was voted down.

The War of 1812 was far from being a popular conflict. The division in the House of Representatives on the bill declaring war was seventy-nine ayes and forty-nine noes. Most of the Republican members from New York were Clintonians and voted against the war. Clinton's spokesman in the United States Senate, Obadiah German, voted and spoke against it.

On the eve of war the people of Boston held a town meeting in Faneuil Hall at which Thomas Dawes was moderator. Resolves drafted by a committee of eminent citizens including William H. Sumner, Harrison Gray Otis and Gamaliel Bradford were unanimously adopted, and published as broadsides. We quote a few phrases: ". . . the inhabitants of this town sincerely deprecate a war with Great Britain, as extremely injurious to the interests and happiness of the people, and peculiarly so, as it necessarily tends to an alliance with France, thereby threatening the subversions of their liberties and independence. That an offensive war against Great Britain alone would be manifestly unjust, and that a war against both of the belligerent powers would be an extravagant undertaking, which is not required by the honor or interests of the nation."

Two days after war was declared the *Federal Republican*, published in the National Capital, but printed and distributed in Baltimore, violently assailed the motives of the administration:

> Without funds, without taxes, without an army, navy or adequate fortifications . . . our rulers have promulgated a war against the clear and decided sentiments of a vast majority of the nation. . . . We mean to represent . . . that it is unnecessary, inexpedient, and entered into from partial, personal, and as we believe, motives bearing upon their front marks of undisguised foreign influence which cannot be mistaken. We mean to use every constitutional argument and every legal means to render as odious and suspicious to the American public, as they deserve to be, the patrons and contrivers of this highly impolitic and destructive war . . . We shall cling to the rights of a freeman both in act and in opinion, till we sink with the liberty of our country, or sink alone. . . . We are avowedly hostile to the presidency of James Madison, and we will never breath [*sic!*] under the dominion direct or derivative of Bonaparte, let it be acknowledged when it may. . . .

The editor of this Federalist organ was Alexander C. Hanson, friend of General "Light Horse Harry" Lee, one-time Governor of Virginia, and of another old hero of the Revolution, General James Lingan.

Two nights later a mob surrounded the plant of the *Federal Republican* in Baltimore. Edward Johnson, Mayor of Baltimore, watched the mob destroy the building and its contents.

Hanson, at his home in the country, heard of his loss the following evening. The next day he arrived in Baltimore, and made arrangements to revive the paper. The editor learned that he could not hope for any protection from the State or municipal authorities. Hanson left Baltimore vowing never to return until he could return prepared to assert his rights as a freeman and a journalist.

A month later he returned to Baltimore accompanied by eight friends determined to maintain the rights of person and property, and the freedom of the press. These eight were Generals Lee and Lingan, Captain Richard S. Crabb, Peregrine Warfield, Charles K. Kilgour, Otho Sprigg, Ephraim Gaither, and a young actor named John Howard Payne who lived to write *Home, Sweet Home*.

On Monday, July 27, the first issue of the revived paper was distributed. That evening two of Ephraim Gaither's brothers, William and Harry, and a Major Musgrove joined Hanson and his party in the new office of the *Federal Republican* on Charles street. An hour or so later some twenty residents of Baltimore, some of them strangers to Hanson, joined the defenders. The owner of the house, his son, and his son-in-law, asked Mayor Johnson to protect the building from mob violence. The Mayor replied he would not interfere. The Mayor then left town.

Hanson and his friends finished their evening meal in peace and the gathering twilight. When darkness fell the mob arrived. It was at first timorous, but as its numbers increased, it grew emboldened and collected under the windows of the house. General Lee called upon the mob to disperse, warning that any attack would be repulsed with arms.

The mob retreated to the opposite side of the street and began to bombard the house with stones. This lasted for two hours. By that time there was not a window sash left in the front of the house. The sidewalk was a mass of stones, bricks, splintered glass, broken shutters, and shattered window frames. Some of the missiles fell inside the house, causing Hanson and his companions to abandon the front rooms. The mob was having everything its own way.

It was nine o'clock when the mob began to hurl stones at the house. At eleven o'clock some one gave the word to stop the stone throwing and to force the front door. A rude battering ram was found and the door gave way. As the door fell the mob instinctively paused.

This momentary pause gave the mob an opportunity to glimpse the entry hall, dimly lighted by candles on the second landing. They could make out massive pieces of furniture in the hall; desks, tables, and chairs, all roped together elaborately. The rope lent an ominous note to the inanimate pile. Above the top of this barricade, on the upper steps of the stairs, could be seen the legs of men who did not move. This took but a second to envision, and the mob retreated to the middle of the road. But they remained there only a moment.

After the door was rammed, General Lee commanded that three pistols, without ball, be fired from the upper story. These

shots had the desired effect. The mob dispersed. When they discovered that blank shots had been fired, the mob reassembled. Some of the hoodlums were armed with pistols.

A well-dressed member of the mob, a Dr. Gale, harangued his fellows, who instantly stormed the house. None passed the threshold of the gaping doorway. A volley discharged from the staircase dropped them. Simultaneously the defenders fired from the windows into the brown of the mob, which seethed forward, cursing, shouting, and firing pistols. But the fire from the windows and staircase was effectual. Dr. Gale was dead, a big hole in his head. Several others were wounded. Only one of the defenders was hit. The mob now beat a disorderly retreat, carrying their dead and wounded with them.

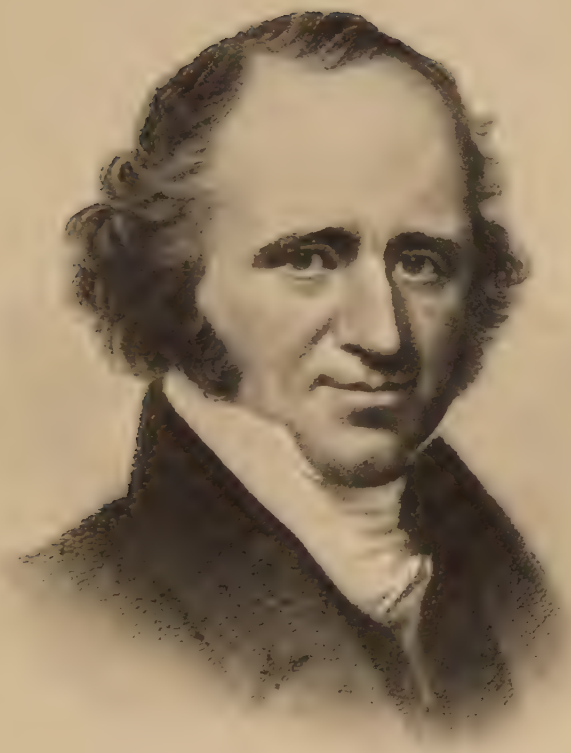
Shortly after their attackers had fled, Hanson and his defenders heard the distant ruffle of a drum. They breathed easier, confident the militia had been ordered out. But this drum was slung over the shoulders of one of the mob. At first only a handful marched behind him. Through the darkened streets the weird procession wended its way. Some of the marchers carried lighted candles. A little after midnight, with hundreds of new recruits, the mob reassembled near the *Federalist Republican*.

Cautiously, in groups of four and five, the mob returned to the house. "Light Horse Harry" Lee, whose kindly face and silver hair were known to all Baltimore, thinking that a word to these early arrivals would avoid further bloodshed, addressed them from behind the barricaded doorway. One of his listeners pointed a pistol at the old hero's breast and fired. The flint flashed in the pan.

There was no parleying with the mob, which resumed its stoning of the house, attacking it front and rear. But now the stone throwing was carried on beyond the reach of pistol shot.

Inside the besieged house every man was at his post, pistols loaded and primed, and naked dirks where they would be most serviceable in an unlooked-for hand-to-hand conflict. One of the defenders, Ephraim Gaither, was bleeding profusely from the wound received in the attack of three hours before. Lest he be relieved of his guard, Gaither made no complaint. It was now two o'clock in the morning.

Suddenly there was heard the rhythmic clatter of horses'



MARTIN VAN BUREN
After an engraving by H. W. Smith
(The earliest likeness)

hoofs on the paved streets. The mob ceased its attack and listened. Then some one cried: "The troop is coming!" The cry was reëchoed as the hoof beats grew louder, and in a moment a small troop of cavalry drew rein where the mob had been seconds before. The commander of the militia, Major William Barney, overtook a few of the mob a short distance from the besieged house, and told them that there must be no violence done either to person or to property, and that he was there to prevent both, and "to secure the party in the house."

Barney had blundered. This he realized when some began to wrangle with him, and demanded by whose authority he came. He showed his order, and so placated them that they gave him three loud huzzas. Many of these cheers were from men who had abandoned the taverns at the sound of the drum. The mob took courage from their drunken companions, who boisterously asserted their rights as free-born men. Major Barney replied with soft words to these misguided freemen, who frequently boasted that they would wreak vengeance on the accursed Tories. This singular scene continued for half an hour in front of the doorless and windowless house, where a handful of resolute men continued silently at their posts. They could hear Barney assuring the mob from time to time that he was their personal and political friend.

Barney ceased speaking as he beheld a large body of men approaching with measured slowness. There were at least a thousand in the irregular formation. As they advanced an erratic rumble as of a heavy weight being dragged over the paving stones, grew louder. From his mount Barney observed that in the center of the advancing horde was a gap which neither increased nor diminished as the silent men plodded onward.

The officer kept watching that perplexing void. As the mob neared the house the enigma was solved. The gap was a field piece. This cannon was a nine-pounder, and had been seized at the gun house of one of the city's artillery companies.

Barney leaped from his horse, and throwing the reins to a trooper, ran toward the new menace and pleaded with the men to retire. But he might as well have talked to a stone wall. They surged forward, Barney a straw in the human stream. The men with the cannon halted twenty-five yards from their objective.

At the command of one of its leaders, the mob in front of the cannon opened up like the blades of a pair of shears, and Major Barney was swept to one side. In another second the cannon, which had been loaded earlier with its deadly charge, was trained on the house. They had battered down the door; now they would batter down the walls.

As the order to fire was given, Barney was before the gaping mouth of the gun. His hands outstretched so that the cannoneers could see that he was unarmed, Barney appealed to them not to fire, saying that if they did, they would fire on him and his men, who were drawn up in front of the house. The officer reminded the mob that he and his men were their fellow townsmen, and to drive this home, added that they were their friends. The plea was successful, but only for a short time. New hands seized the cannon and were about to apply the match when Barney, with a total disregard of consequences, thrust his breast against the muzzle of the field piece. Many times during the night this scene was reënacted, and each time Barney's reckless heroism turned the mob from its purpose.

At six in the morning Mayor Johnson, who had been summoned from the country by messengers, arrived at the scene. With him was Brigadier General John Stricker, a banker of the town, a veteran of the Revolution, and commander of the local militia. After a parley with Hanson and his defenders, the two were admitted to the house.

Stricker was calm. He represented the inflamed mind of the public, and the practical impossibility of protecting Hanson and his friends against a force which might soon come to the aid of the mob. Johnson was choleric. Turning to Hanson, with great agitation, he said: "We are impressed with the belief that a civil war is inevitable, and I consider this a party thing and the commencement of it."

The purpose of the visit was to ask Hanson and his defenders to submit peaceably to arrest. He was answered that none of them ever had any thought of resisting the authorities; and all they asked was their protection, and this having been denied them, they sought to protect themselves. Stricker assured them an adequate guard.

A little after eight o'clock, Hanson, Lee, Lingan, and their

companions, marched out of the shambles that had been the office of the *Federal Republican.* A heavy escort of cavalry and foot was drawn up in the street, deserted save for the militia. On the march to the jail a few stones were thrown, slightly injuring some of the soldiers. Meanwhile the mob was permitted to demolish the vacated house.

The jail was a new structure, and sturdy as a medieval castle. The prisoners were lodged in a large common pen. This room had a door of heavy iron grill. This was not locked. To reach this place of confinement the imprisoned had to pass through a corridor with double-barred doors at either end.

By noon a threatening mob massed outside the jail. An hour later a regiment of infantry, two troops of cavalry, and two companies of artillery, were ordered out. Some of Hanson's companions did not like the thought of the door of the room in which they were confined being unlocked. They sent for the turnkey and asked him to lock the door, and to pass the key to them through the bars, reminding him that they were not ordinary prisoners accused of crime, but were taken because they had defended their persons and the freedom of the press. The jailer said that his keys were in the front room—the office of the jail—and that he would comply with their request.

Immediately after, General Stricker, several magistrates, and the Mayor, entered the pen and spoke with the prisoners. Three rudely dressed men also accompanied the Mayor. These three men did not speak, but directed their attention to the dress and features of the prisoners. One remained after the Mayor and the rest of his party left. This man was John Mumma, a butcher of the town. Mumma stood silently at the door of the pen continuing his observation for some minutes. He then took his departure. Mumma also dealt in human flesh, for he was a stealer of slaves.

The militia arrived at the jail while the Mayor and his party were inside. The mob was not molested. The orders merely called for the parading of the forces at the prison. The Mayor said that on his arrival at the jail he found "a number of persons assembled, the much greater part of whom were peaceable and orderly citizens; those of different temper of mind upon being remonstrated with, appeared to yield to the admonitions of the

others and to be appeased with the assurance given that the party in gaol should not be bailed or suffered to escape during the night." This fiction is from the official report of the investigating committee appointed by the common council of Baltimore.

After Mumma the butcher left the jail, Hanson and Lee and Lingan again sent for the turnkey and repeated their request that the door of their pen be locked and the key given to them. Again the turnkey promised, and, again, failed. They were now apprehensive for their safety. If they could only lock that door! They had four pistols which they had smuggled in on their persons, and a dirk or two. Throughout the afternoon the prisoners reiterated their requests of the turnkey, but without avail.

News traveled slowly in those days. The first intelligence Boston had of the events in Baltimore on the last Monday and Tuesday of July was published in a broadside the following Sunday afternoon by the *Gazette*. The story was headed: "Madison's Mob!" One of the subheadings of the caption read: "This morning's mail gives us a few particulars of a most barbarous riot in Baltimore, instigated by the friends of the Administration, and completed by French Democracy." The story opened with: "Extracts from a letter from Baltimore dated July 28. The reign of Terror and Proscription has raised its hideous form once more amongst us." After briefly relating some of the events with which we are familiar the correspondent, commenting on the passivity of Mayor Johnson, exclaimed: "Oh that we had a De Witt Clinton here—an end would soon be put to these iniquities and abominations."

New York, Philadelphia and cities not so remote heard of the horror a day or two earlier. Even the most rabid Federalists in these cities doubted the truth of part of the correspondence, as for example, that the Mayor ordered the militia to be removed from the jail during the course of that tragic afternoon. Let us quote again from the official report of the Mayor's own friends: "It became the prevailing opinion about the prison that no mischief would be attempted that night, in consequence of which, and of the insufficiency of the force [the mob] assembled, the military, by order of the General with the approbation of the Mayor, were dismissed, and many persons left the prison and went to their homes."

Nowhere in this texture of truths, half-truths, and falsehoods is there any reference to the remonstrances made by Major Heath against the dismissal of the soldiers. Heath was overruled.

Generals Lingan and "Light Horse Harry" Lee looked at one another as they heard the familiar commands in the street outside. To their inquiring companions they explained that the militia was abandoning them to the protection of the jailers—and themselves. Again they sent for the turnkey and urged him to lock the door and pass the key to them through the grill. Once more he treacherously promised to comply with their pleading.

When darkness fell that evening, Mumma and other worthies of Baltimore joined the mob at the jail. There were many ardent Republicans there, as zealous in their devotion to the teachings of Jefferson as their unworthy Mayor. These, on seeing the temper of the mob, warned the Mayor. But he refused to order out the militia. Instead he went to the jail. Before he reached the prison the mob battered the front door, but did not force it.

The appearance of the Mayor served as a signal for a second assault upon the jail. "The Mayor with the aid of a few persons," reads the conniving official report, "succeeded for a time in preventing the prison door from being forced open; . . . overpowered by the increased numbers and violence of the assailants, the Mayor was forced away, and the door having been previously battered, and again threatened, was opened by a turnkey."

The exultant roar of the mob as it gained entrance to the prison told "Light Horse Harry" Lee and his companions that they were trapped. They could hear the mob battering at the doors at the further end of the corridor. The persistent pounding on the more distant door, and the cries of disappointment, revealed that the treacherous turnkey had not unlocked this door. If he had only locked them in and given them the key, as they had so often urged him, they could make a stubborn last stand. But it was no time for regrets. They gathered hope as the shouts continued to be muffled by the two doors the mob would have to force before they could reach the pen.

As they looked at one another in the dimly lighted pen—their only illumination came from flickering candles stuck on the

shelves with their own wax—one thought was dominant: the militia would return to the jail before the mob could batter down the remaining doors. Infantry, cavalry, and artillery had escorted them to the jail in the morning; some of these troops would be back again before long. "Light Horse Harry" Lee put his arm around the shoulder of General Lingan, who alone found it difficult to keep awake. Lee was anything but a youth himself, but he was firm and erect, unlike his companion of the Revolution. Why had they permitted Lingan to join them? He was so noticeably old and infirm. And he was very poor too. He had long ago solved the problem of supporting a family on the income of a day laborer while maintaining an appearance comporting with his rank.

For fifteen minutes hope was high in the hearts of all. Then the door attacked by the mob was either unlocked or battered down. Now Lee and his companions considered what their course should be if the mob forced the second door before help, in the shape of the militia, reached the jail. Some proposed that those armed with pistols fire into the assailants, and in the ensuing confusion, try to make their escape.

Lee and Hanson counseled against this, saying it would only add to the fury of the mob. Their counter-proposal, which was agreed to, provided that when the mob forced the second door, at a given signal, the candles in the pen were to be snuffed, and then all were to rush out, extinguish the lanterns in the hall, crash into the mob, and trust to the sudden darkness and confusion to enable some of them to escape. All were reminded that the moment the candles were snuffed it would be each man for himself.

Mumma the butcher was not with the members of the mob who forced the first door and were now at the second. He was standing beside the grate in the entrance of the lobby where he could see all who passed in and out. Several evil-looking fellows stood beside him, their ugly faces illuminated by the light of many candles.

The second door did not long remain between the mob and its prey. The bolts were thrown back by the turnkey after a few blows had been rained upon it.

The dominant characteristic of a mob is cowardice. Between this mob and the unlocked door of the pen was a short stretch of

hall. Nothing intervened. The mob, apprehensive and timorous, halted in the passageway. Captain Murray, who had been "Light Horse Harry" Lee's chief aide, was quick to notice this. He and John Thompson, who was the nearest to him of the other three armed with firearms leveled their pistols at two who made bold to peer into the pen.

"My lads," said Murray, "you had better retire; I can shoot either of you."

Lee and Hanson commanded Thompson and Murray not to fire. They obeyed. The ruffians in the rear, shouting encouragement, pushed and forced their fellows into the pen.

As the first of the mob entered, the prearranged signal was given, and the candles extinguished. Lee and Lingan led an advance which is not considered in books on the conduct of battles. It was a silent precipitate advance intended for a retreat. The sudden darkness created the confusion that had been counted upon, and mobster and hero were indistinguishable.

At the far end of the corridor was Mumma the butcher. He turned questioningly to his companions as he heard the crash of falling lanterns in the passageway and saw the sudden onrush past him of a score or more men who piled through the main door and down the steep flight of steps to the street in an indistinguishable mass.

Mumma was too astonished to remember his rôle. He had missed quite a few. But not again was he to be caught napping. He was big and powerful, and in the next two or three seconds had felled by a hand long used to slaughter "Light Horse Harry" Lee, Lingan, and Hanson. None save those struck by Mumma were molested by his aides, who kicked the unfortunates as they lay in the lobby of the jail, pulling them to one side as more were knocked down by Mumma's blows. The victims who looked dead were carried to the door and pitched out into the street by Mumma and his assistants, whose hands were red with blood. Six others besides Lee and Lingan and Hanson were thrown into the same heap in front of the entrance to the jail. Four others were taken a short distance away by the assassins. One of these was tarred and feathered and carted around town, while his torturers made slits in his tarred flesh, and then thrust lighted matches into the wounds.

Mumma and his companions, now that they had cleared the jail of the Tories, turned their attention to the pile of bodies in the street outside. Most of these assassins carried lighted candles to examine the mangled faces of their victims. One of their tests for detecting the presence of life was to open the eyelids and drop hot candle grease into the eyes. Another was to jab penknives into the bleeding faces. Sometimes they were merciful and merely pricked a hand.

Some of the supposed dead had never lost consciousness. These, numb from their mauling, simulated death as the mob dropped hot candle grease into their eyes or pricked them with their knives. "Light Horse Harry" Lee had lost consciousness, and when he raised his head, one of Mumma's aides slashed his nose, and the General's head fell back to earth. A moment later the old hero tried to rise again. This time another knife thrust gashed his cheek, and in a paroxysm of pain, the former Governor of Virginia rose almost to a sitting position, and then fell over, face downward, on Hanson's breast.

General Lingan regained consciousness while Mumma's butchers were moving among the victims. His first thoughts were of his family. He would plead for them. In a plaintive voice he recalled that he had fought for freedom; that he was now old and infirm, and that he had a large and helpless family dependent on him.

An assassin armed with a cudgel, danced on Lingan's chest as he struck him, and shouted "Tory!" Lingan moaned that he wanted to live that his family might not want; he was not concerned about himself. Each phrase was greeted with blows of the club on head and face. "This damned old rascal is hardest dying of all of them!" exclaimed the assassin as the hero of the Revolution made his last appeal for mercy, a mute one, a vain uplifting of almost lifeless hands. Another blow and the hands fell.

One who walked amid the lifeless forms was a man of consequence. He carried a walking stick with which he prodded the helpless ones, and suggested that they be emasculated. Others proposed casting the bodies into the cesspool of the jail. Some were for throwing them into Jones's Falls, a stream which flowed in front of the prison. They were all lifeless-looking enough now,

but some of Mumma's apprentices wanted the throats of all slashed to make sure that none would live.

While these fiends flitted around in the dark with their lighted candles a surgeon of the city, a Dr. Hall, accompanied by several other citizens of the town, appeared. Instantly the assassins blew out their candles and fled. Under the direction of Dr. Hall the unfortunates were carried back into the jail. Lingan ceased to breathe a few minutes after his removal. "Light Horse Harry" Lee's fate was typical of the majority of the survivors: he never wholly recovered from his wounds.

Mumma and several others were indicted for murder, but a petit jury found them innocent of any crime: it was not an offense to kill one who sympathized with a Federalist editor. Maryland somewhat atoned for this blot on her escutcheon by sending Hanson to represent her in the Senate of the United States.

While the mob was storming the jail, leaders of the Federalists in New York were planning another sort of storming under the leadership of the Patroon himself, now General Stephen Van Rensselaer, commander-in-chief of New York's militia in the field. The objective of the Patroon and his men was Canada. A brother of Martin Van Buren, Lawrence, his junior by four years, abandoned the plow at Kinderhook to join the colors. He entered as an enlisted man and was discharged a major.

Van Buren was more concerned with the war of the politicians. In the early part of July he was attending the circuit of the Supreme Court in Auburn where Judge Spencer was presiding. Both were seated on a piazza in the cool of the evening when their mail was brought to them announcing the death of Matthias B. Hildreth, Attorney General of the State. Turning to Van Buren, Spencer said: "You ought to be Hildreth's successor." When Spencer followed with a promise of support, Van Buren observed that as he had not yet reached thirty years, older men might feel slighted. Spencer scoffed at his objections. Van Buren wrote to Richard Riker, Clinton's confidential agent in political matters, who replied that he approved his candidacy.

A special meeting of the Council of Appointment was called for August 12 to fill the vacancy. Van Buren was confident that he would be appointed until a short time before the members of

the Council, all Clintonians, assembled in Albany. Learning that Senator William W. Gilbert, of Manhattan, an intimate of Clinton, was adverse to discussing the subject with Riker, he gracefully retired. Thomas Addis Emmet, brother of the martyred Irish leader, was appointed Hildreth's successor.

Emmet was one of the ablest lawyers of his day. Like many leaders of his race who came here in those early days, he had studied at Dublin's ancient Elizabethan pile. He was a physician as well as a lawyer, and had sat in the Senate-hall of his native land. After the downfall of the revolution of 1798, he and several other Fenian leaders were seized as prisoners of State. No indictments were returned against them. Many of his fellows in misfortune, like himself, were men of unusual attainments and large fortune. The British Government professed a willingness to permit these State prisoners to emigrate to the United States, but Rufus King, resident minister at the Court of St. James's, succeeded in preventing their coming to these shores for four years, and consequently, kept them that much longer in an English prison.

Emmet and his family landed in New York on November 11, 1804. He first visited Washington where he was admitted to practice in the United States Supreme Court, and this without any action on his part. The Clintons caused the Legislature to pass a special act permitting him to practice in the courts of New York State. Legislative action was necessary because Emmet was not a citizen. He was at once welcomed into the city's social set. His success was immediate and his clients numbered the Pintards and other wealthy merchants of the town.

On the eve of the preceding National campaign, when Rufus King was the Federalist candidate for Vice President, Emmet in a series of open letters to King helped the cause of Madison while paying off an old score. In these epistles Emmet accused King of having conspired with English officialdom to keep him and his fellow compatriots in jail, and from emigrating to our shores. King remained silent, suspecting that his accuser was awaiting a denial to hurl at him proofs of his guilt from the correspondence of Lord Castlereagh. But Emmet had not these incriminating documents which the Viscount incorporated in his memoirs. Republican meetings were held in New York and Albany at which

resolves were adopted predicated on Emmet's unanswerable charges. These were given country-wide circulation in Republican newspapers and broadsides. Pretending to regard King's silence as evidence that King thought him unworthy of notice, Emmet wrote:

> Yet in fact, sir, I do not clearly see in what consists your superiority over myself. It is true that you have been a resident minister at the court of St. James's; and if what I have read in the public prints be true, and if you be apprised of my near relationship and family connexion with the late Sir John Temple, you must acknowledge that your interference as resident minister at the court of St. James's, against my being permitted to emigrate to America, is a very curious instance of the caprice of fortune. But let that pass. To what extent I ought to yield to you for talents and information, is not for me to decide. In no other respect, however, do I feel your excessive superiority. My private character and conduct, are, I hope, as fair as yours —and even in those matters which I consider as trivial, but upon which aristocratic pride is accustomed to stamp a value, I should not be inclined to shrink from competition. My birth certainly will not humble me in the comparison; my paternal fortune was probably much greater than yours; the consideration in which the name I bear was held in my native country was as great as yours is ever likely to be, before I had an opportunity of contributing to its celebrity. . . . Circumstances which cannot be controlled, have decided that my name must be embodied into history. From the manner in which even my political adversaries and some of my contemporary historians, unequivocally hostile to my principles, already speak of me, I have the consolation of reflecting, that when the falsehoods of the day are withered and rotten, I shall be respected and esteemed. You, sir, will probably be forgotten, when I shall be remembered with honor, or if, peradventure, your name should descend to posterity, perhaps you will be known only as the recorded instrument of part of my persecutions, sufferings, and misfortunes.

This fragment of the resolutions adopted at the Albany Coffee-House shows how the unilateral controversy was turned to the advantage of the Republicans: ". . . and it is moreover evident that King's only objection to the emigration of the Irish state prisoners emanated from a belief that they would unite with the republicans, who were then opposing, with the weapons of argument and reason, that mad career of federalism, which,

under the career of John Adams, had well nigh subdued the spirit of freemen by systematic oppression, and by attempts, with a standing army, to overawe and silence public opinion."

Emmet was an intimate of De Witt Clinton, and to this Van Buren ascribed the appointment. He felt injured that Clinton had not told him of his intention to have Emmet named. When Clinton informed Van Buren over a cup of tea at his home that he had no hand in the appointment, Van Buren was skeptical.

Van Buren lost out solely on the score of youth. Governor Tompkins, who had succeeded in having Thomas, the State Treasurer, and Southwick, the editor of the *Register*, indicted for attempting to bribe a Senator and the Speaker of the Assembly to pass the charter of the Bank of America, wanted the older and more experienced man for the task. But although a perfect case was presented to the trial jury, these twelve men, hypnotized by the eloquence of Elisha Williams and Ebenezer Foot—Van Buren's hypocritical sympathizer—returned verdicts of not guilty.

CHAPTER XIV

After the appointment of Emmet, Republicans throughout the country, many of them politically unfriendly to Madison, tried to induce Clinton to withdraw as a candidate for the Presidency. They argued, as Spencer had argued, that the country being at war, a second Republican contending for the place would divide the people still further, and that his election would be regarded by Europe as a popular repudiation of the war. Here it should be noted that many of Clinton's supporters believed he would prosecute the war more efficiently than Madison was doing.

These overtures were made by General William King, of that part of Massachusetts then known as the province of Maine, to Spencer, and an old friend of the Clinton family, Judge John Tayler, of Albany, a member of the State Senate. "No event would exalt Mr. Clinton higher than a surrender of his pretensions to the presidential chair," wrote Tayler and Spencer to Riker. And they added, on the representations of King, that Massachusetts would support Clinton in 1816.

Spencer and Tayler had written in confidence to one whose political judgment Clinton valued above all others. Riker replied that the people had made Mr. Clinton their candidate and had the right to his name. And as for King's suggestion that Massachusetts would support Clinton four years hence if he would withdraw now, that could not be considered for even a moment, as bargains between politicians are inconsistent with the purity and dignity of republicanism. This last, from a practical politician, was amusing.

These two letters were published in the newspapers early in October at Clinton's behest, and caused an open rupture between the brothers-in-law. Clinton lampooned Spencer in the *American Citizen*, under savage satires entitled *Ambrosiad.*

Ambrose Spencer lodged at Mrs. Keese's boarding house. Here Van Buren met him after the third of Clinton's pasquinades had appeared. The Chief Justice made no effort to conceal the

wounds made by his brother-in-law's venomous quill. John Armstrong, now Madison's Secretary of War, who was stopping at Mrs. Keese's, poured the salt of sympathy into the wounds made by the ancient enemy of his family. Armstrong had pamphleteered against Clinton, and said his ruddy countenance was the product of the vine.

Van Buren listened to the outpouring of Spencer and Armstrong and that evening called on Clinton at his home in an effort to repair the breach. He prefaced his peacemaking with an avowal of loyalty, and declared that when the Legislature met he would vote for Presidential Electors committed to Clinton's candidacy, volunteering that the spring legislative caucus left no Republican in the state any other choice. Van Buren was an orthodox partisan. He brought up the subject of the *Ambrosiads*, and said that Spencer was pained by the separation as much as he was by the satires in the *American Citizen*. Clinton was pleased with Van Buren's pledge of support, but confessed ignorance of the authorship of the lampoons. He discounted the thought that Spencer was pained by their separation, and said his brother-in-law had joined the Madisonians to subserve his own personal ends.

Van Buren returned to his original proposition, saying that no good could come from a continuance of the *Ambrosiads*, and urged Clinton to use his influence with the editor of the *American Citizen* to suppress the *Ambrosiad* advertised for appearance on the morrow, and to prevent further publication of the articles.

Clinton, after repeating his opinion of his brother-in-law's motives, said he would try to persuade the editor to suspend publication of the *Ambrosiads* long enough to convince Van Buren that forbearance with Spencer would prove useless.

At breakfast the next morning Van Buren, Spencer, Armstrong, and other political leaders were seated at the common table. William Ross, a lawyer of Newburgh, who two years later was elected to the State Senate, joined them when they were half through the meal. Ross had been at the barber shop, as his appearance indicated, and when asked what that unfailing medium of intelligence produced, replied that the advertised *Ambrosiad* was not in the *American Citizen*, and that no reference was made to the omission.

Van Buren was delighted.

"What is in it?" asked Armstrong, who did not share Van Buren's happiness at the cessation of hostilities.

Ross answered that the paper published a letter from Riker to Spencer and Tayler, which was not lacking in severity.

"Ah, only a change of dish!" exclaimed Armstrong gloatingly. "Good policy that! To-morrow we shall have the *Ambrosiad* again!"

This was designed to irritate Spencer to utterance. It succeeded, the Chief Justice remarking with frigid formality that it was immaterial whether the *Ambrosiad* appeared or not, as Clinton had already gone too far to make his future course of any consequence to him.

Armstrong finished his breakfast in happy mood.

At the breakfast table there sat one of those scavengers of politics who follow in the wake of men in power as gulls follow a ship. Scraps of intelligence these fellows pick up are carried to those whose success dazzles and defiles them. Some politicians cultivate this type; but not a few are self-appointed, seeking no return save the abased emotion of spying. All Spencer said was retailed to Clinton. The deferred *Ambrosiad* appeared within a few days renewing the strife which lasted three years.

In the Presidential years when Electors were chosen by the Legislature, the two branches convened on the first Tuesday in November. The session lasted only long enough to transact this quadrennial duty, which the aristocracy of New York would not submit to the people: even the sister State of New Jersey had transferred this privilege to the electorate some five years back.

In 1812 this Tuesday fell on the third of the month. Winter, which sometimes comes early in this part of the State, was unusually early that year, and a heavy blanket of snow covered the hilly streets of Albany.

Van Buren's arrival in Albany was anxiously awaited by Clinton's intimates. Van Buren, who looked forward to playing the silent and attentive rôle of a first-year member of the Legislature, was astonished when told that the Clintonians were looking to him for leadership in the caucus. They were confessedly without a plan.

This dilemma arose from the division of the parties in the

two houses. In the spring election, as we have seen, the Federalists elected a majority to the Assembly. The respective partisan strength, excluding three members who were absent, was: Federalists, fifty-eight; Republicans, fifty-one. The Republican Assemblymen were in turn divided thus: Clintonians, twenty-nine; Madisonians, twenty-two. Among the thirty-two Senators, nine were Federalists, and of the remaining twenty-three, the Madisonians counted four. Ordinarily there would have been nothing to worry the Republicans, as on joint ballot of the Senate and Assembly the vote would have been: Republicans, seventy-four; Federalists, sixty-seven. But the party schism put a complexion on the situation which baffled the veterans. The Clintonians wanted victory without Federal support, if possible.

Van Buren marveled that the older heads had not conceived the simple solution which readily occurred to him. He soon learned that the average political leader is lacking in invention. They had done what they had been doing before: bought up such papers as they could with money or promises, closing the columns of these journals to the Madisonians. They had made a most effectual job of it in Albany, where the supporters of the President had to use handbills to tell of their meetings. We have one before us recounting a meeting "at the house of Jared Skinner, inn-keeper," wherein is related that "the only paper in this city which was the organ of our communications, has ceased to express our sentiments,—Therefore, Resolved, that the foregoing preamble and resolution be published in handbills, in the *Aurora* of Philadelphia, *Public Advertiser* and *Plebian* of New York, *Boston Patriot*, and *Pittsfield Sun*."

When the Republicans assembled in caucus, Van Buren, always fond of the dramatic, surprised most of his colleagues by nominating for chairman, Senator Tayler, the ally of Spencer. Of course, Tayler was unanimously elected. There was tact in Van Buren's choice as chairman, as the selection of an avowed Madisonian made the minority feel more kindly disposed to the blue-eyed young man with the shock of yellow locks who had suddenly emerged as the Clintonian leader. And it was Van Buren's rôle of peacemaker a few weeks before which commended him to Clinton.

Van Buren next proposed that the two factions be repre-

sented on the Presidential ticket in proportion to their respective strength in the Legislature. This would have given Madison nine electors and Clinton twenty. On the face of it, the proposal was fair. But it was doubtful if the Clintonians, in a State-wide vote, could have mustered a majority on the issue raised against Clinton by the Madisonians—that Clinton's election would be a repudiation of the declaration of war. The followers of Madison noisily spurned the offer.

Van Buren, unmoved by clamor, which was directed by Senator Erastus Root, refused to budge. He knew the Clintonians could carry this or any other proposition he advanced. He declined every counter proposal. If the Madisonians would not accept his proposal, he intended to give them nothing.

Seeing that nothing could be accomplished by protracting the discussion interminably, and determined not to compromise, Van Buren moved that a ticket composed entirely of Clintonians be nominated. This motion was as unfair as it was audacious. This was tyranny of the majority. Van Buren was essentially partisan. No one in the room was stirred more by the move than the chairman. He beckoned Van Buren to his side, and inquired if he intended to persist in his motion.

"Certainly, unless the Madisonians will accept a reasonable portion of the ticket," replied Van Buren.

The aged jurist became silent with rage. Seizing his broad-brimmed hat, he rose, and forgetting that he was in an assemblage where the last word in decorum was observed, clapped his hat on his head, and without a word, strode out of the room. As the door closed behind him he was heard to cry out: "Lew! Boy!" A few seconds later the chairmanless caucus knew that Senator Tayler had found his servant, for the merry peal of sleigh bells was heard as he was driven to his home. Van Buren next proposed that Senator Reuben Humphreys be chosen chairman. This was carried. He then pressed his motion for a complete Clintonian ticket. This, too, was adopted. At the joint session of the Legislature some of the Madisonians voted for the ticket, while twenty-eight of them cast blank ballots. But the Federalist votes more than made up the deficiency. This ended the Presidential election in New York, as it was not until twelve years later that Electors were chosen by direct vote of the people.

Clinton received the votes of all the New England States except Vermont. New Jersey also voted for Clinton, as did Delaware. Of Maryland's eleven votes, six went to Madison, and five to Clinton, who carried the entire North with the exception of Ohio and Pennsylvania. Had Madison lost Pennsylvania's twenty-five votes, Clinton would have won the election, the tally in the Electoral College being Madison, 128; Clinton, 89.

The reëlection of Madison was a bitter dose for Van Buren to swallow. Many of the Federalists continued to oppose the war, even to the extent of rejoicing at the defeat of American arms. Madison, to many of them, was the choice of a mobocracy. The invasion of Canada in the first months of the war was characterized by some as a bandit enterprise. This campaign added luster to the names of the War-Federalists, notably that of the Patroon, whose impoverished kinsman, Captain Solomon Van Rensselaer, at the battle of Queenstown, was seen "in a gallant charge at the head of his troop, shot through the body, the blood oozing from his lungs, still smiling with complacency." Six musket balls had ripped their way through this Van Rensselaer's body. It was not a new experience: back in 1794, when a captain of Dragoons, he was shot through the body in an Indian charge. Many Federalists, however, refused to follow the flag across the border, maintaining that the militia was only a home-defense organization.

The example of these militiamen was applauded by the ultra-Federalists, who denounced Madison and the war in pulpit, forum, and press. Van Buren, an omnivorous reader of partisan publications, found a bit of verse in a Federalist journal which struck his fancy. It is the only bit of rhyme in Van Buren's hand extant, and thus he transcribed it:

The day is past—the election o'er
And Madison is King once more!
Ye Vagabonds of every land, cut-throats & knaves a patriot band—
Ye Demagogues lift up your voice
Mobs & Banditti all rejoice.

On the same sheet of paper he wrote: "The rogues march was played under the window of the man who drew the declaration of Independence." His use of the small *d* is typical of his

manuscript. He was constantly copying political opinions of all sorts, and in these, as in all his writings, he was equally scornful of punctuation and capitals. He had assistance in preparing his public documents.

When the Legislature reconvened after the first of the year Van Buren found the world a little topsy-turvy. Clinton, as Lieutenant Governor, appointed him to serve as chairman of the Senate Committee to draft a reply to the Governor's speech to the Legislature. Here was a signal honor, hitherto accorded to men who could readily quote Horace and Virgil and Sallust. And again Van Buren resolved to study.

Van Buren's selection was due to his known capacity to reduce political questions to homely language having a direct appeal to the people rather than to the cultured few who led them. The country was at war, and all men who are created free and equal and able to shoulder a musket were to be appealed to: the property restrictions of the voting places were alien to the recruiting office. This ability was first brought to the attention of party leaders in the resolutions Van Buren had drafted at Republican meetings three years before.

The reply to the Governor's speech was a spirited defense of the war, and a counterblast to the attacks of Federalism in the Assembly, where Elisha Williams boldly defied the Government with: "I will not furnish the administration with the means for carrying on this war; I would starve them into peace with all my heart. The Government dare not impose taxes, because they are conscious that the war is unjust and unnecessary. They know, and we know, that the people will not bear taxes for such a cause."

In the selection of the successor to United States Senator John Smith, whose term would expire on March 4, 1813, Van Buren's leadership was again put to the test. The Federalists nominated Rufus King. The Federalists were secretly boasting that King would be elected. Van Buren made inquiries, and heard enough to convince him that the Federalists and some of Clinton's friends were intriguing to elect King. There was not a Martling man in either house who was not ready to whisper the charge. At once Van Buren suspected that Clinton himself might be

directing the intrigue in return for the Federalist support in the Presidential campaign.

He related the rumors to Clinton and said that if any Clintonian legislators voted for King or any other Federalist when it was in the power of the Republicans to elect one of their own, it might well be said by his enemies that he had promised the Federalists the United States Senatorship on condition that they support him in the canvass for the Presidency.

Clinton allayed Van Buren's suspicions. State Senator John W. Wilkin was the choice of the Republicans. Wilkin had presided at the legislative caucus in the preceding spring at which New York proclaimed Clinton her favorite son for the Presidency; moreover, Wilkin and Clinton were old personal friends.

The two houses of the Legislature met in joint session in the Assembly Chamber Tuesday noon, February 2, to elect Smith's successor. Ruggles Hubbard, one of the stalwarts among the Clintonians in the Senate, asked Van Buren to write the name of Wilkin on his ballot and to accompany him to the ballot box to see that he deposited it. Van Buren knew that Hubbard also entertained the suspicions that had been his before he had talked with Clinton, so he at once assured him that his apprehensions were groundless, and that Wilkin would win.

"I ask you but a small favor," said Hubbard solemnly, "and I hope you will not refuse to grant it."

Van Buren wrote out Hubbard's ballot and walked with him to the ballot box.

When the result of the vote was announced Wilkin had sixty-one votes and King had sixty-eight! Rufus King, Federalist, was elected to the United States Senate by a Republican Legislature! Politics was a strange game, filled with surprises.

After the vote was announced the members of the Senate returned to their chamber to continue their routine labors. Van Buren was thinking hard when Clinton approached him and said: "I hope you no longer entertain the suspicions you spoke of?" Van Buren quickly replied: "No!" Clinton, highly gratified that Van Buren did not include him in the conspiracy, for its existence was now a matter of record, started toward his seat on the rostrum. Van Buren halted him. "Mr. Clinton," said Van Buren, stressing each syllable, "you must not misunderstand me. My

suspicions have become convictions. I know that the men I pointed out to you have done this deed."

Clinton, taken aback by the boldness of the speech, in an agitated voice answered that he was convinced that Van Buren was mistaken, and was doing his friends a grave injustice. The conversation was ended when one of Clinton's clerks informed him that everything at the desk was in order. Clinton then reconvened the Senate.

Now there is another and a more plausible explanation of this treachery than that held by Van Buren and Clinton's old foes, the Martling men, who alone circulated the rumor that Clinton's friends had conspired with the Federalists. A weak *prima facie* case could be established against Clinton on the basis of his alliance with the Federalists. He was still working with them, as we shall presently see. But that he could be so base as to play traitor to Wilkin, who more than any one else made his Presidential canvass possible, is improbable in view of Clinton's reputation for fair dealing, which, with this exception, is above suspicion.

A far more tenable explanation of this treachery is that Thomas and Southwick, who bribed members of the Legislature of 1812 to grant a charter to the Bank of America, in paying bribes to the corrupt Republicans who voted for the charter, committed them also to vote for a Federalist for United States Senator in 1813. The Federalists in Congress, almost without exception, were for renewing the charter of the United States Bank. This institution had its paid agents in every quarter of the country; it had not given up the fight. Wilkin, who fought the Bank of America, attributed his defeat to bank influence.

On the Thursday evening following the election of King, the Republicans held their State caucus. Although they had not spoken for two days, Van Buren, who was indebted to Clinton, could not avoid discussing the evening's program with one so deeply concerned. After an exchange of courtesies Clinton asked Van Buren what he thought the caucus would do. Van Buren replied that an attempt would be made to nominate Senator Tayler in Clinton's place. Clinton next inquired what Van Buren thought would result from the attempt to name the Madisonian. Van Buren answered that if Clinton did not object he would

renominate him for Lieutenant Governor, adding that he apprehended that the feeling in the party over the election of King was such that Tayler would be nominated. Quick as his tongue could frame the question, Clinton demanded if Van Buren would submit to the nomination of Tayler. "Certainly, if it is fairly made," replied Van Buren.

Clinton could not trust himself to speak. He made a deep bow, signifying the interview was over, and returned to his seat on the rostrum. So ended the political friendship of Clinton and Van Buren: the Martling men had gained a formidable recruit.

This caucus of February 4, 1813, was one of the most sparsely attended in the history of the party. Cowardice kept some twoscore members outside the closed doors. And cowardice reigned behind the bolted portals. For some time no one spoke above a whisper. Finally some brave anti-Clintonian moved the joint nomination of Tompkins for Governor and Tayler for Lieutenant Governor; just the bare motion; not a word in support of the rejection of Clinton.

The burlesque was made complete when Van Buren rose and nominated Clinton in a speech intended to destroy whatever chance Clinton had. He spoke of the rancor in the party over the election of Rufus King; he shared the feeling; by inference, he charged Clinton with having conspired to defeat Wilkin; but the Republican party was as magnanimous as it was powerful; he was nominating Clinton because that distinguished gentleman had long held honorable place in the party's councils, and before the country; but he would not nominate him if he was not convinced that Clinton would not act with the party in the future!

There was a seconding speech and then the vote, which gave thirty-two to Tayler and half that number to Clinton.

The next business was the appointment of a committee to draft the party's annual appeal to the electorate. Van Buren was honored with the chairmanship of this select group. This document, the first public one of length from Van Buren's hand, was called by Chief Justice Spencer, who was overjoyed with Van Buren's desertion of Clinton, the Second Declaration of Independence. As it went to the people it was substantially as Van Buren had written it, save that more knowing hands had knocked off the rough edges. The opening paragraph reads:

Fellow-Citizens—It is not to the arbitrary mandates of despotic power, that your submission is demanded; it is not to the seductive wiles and artful blandishments of the corrupt minions of aristocracy, that your attention is called—but to an expression and discussion of the wishes and feelings of your representatives.

After setting forth the wrongs inflicted upon the country which led to the declaration of war, Van Buren sought to destroy the influence of the Federalists with the merchant class.

"What are the causes for which this war is waged, and which have hitherto embroiled us with the nations of Europe?" asked Van Buren, who answered: "They are the violation of our commercial rights, and the impressment of our seamen!" Then he added: "The oft-exploded, the ten-thousand-times-refuted tale of *French influence*, is ever and anon brought upon the carpet. It would be insulting to your understandings to detain you by a discussion of this odious and insulting insinuation. Was it evidence of French influence on the adoption of every measure of commercial restriction, to place both France and England on the same footing? Was it evidence of French influence to cause it to be officially notified to the court of St. James's, on the adoption of each of those measures, that in case they rescinded their orders in council, the United States would assume a hostile attitude towards France? Was it evidence of French influence to embrace the earliest opportunity to conclude the arrangement with Erskine—leaving our affairs with France in a hostile attitude? If not, where, then, is the evidence to support this impudent censure? Is it to be found in a similarity of manners, of language, or of feeling? When an Englishman visits your country, is he not received with the familiarity, and cherished with the hospitality of a friend? Is a Frenchman ever treated by you otherwise than as a stranger? Away, then, with those whining, canting professions, of fears and apprehensions of the danger of French influence. Intelligence must reject, and integrity abhor them."

The Federalists were appealing to the war-weary as the party of peace. The war-fever must be kept at a high temperature, so Van Buren wrote:

But to crown this picture of folly and of mischief, they [the Federalists] approach you under a garb which at once evinces their con-

tempt for your understanding, and their total want of confidence in your patriotism; under a garb which should receive the most distinct marks of your detestation; they are *"the friends of peace!"* While our enemies are waging against us a cruel and bloody war, they cry "Peace." While our western wilds are whitening with the bones of our murdered women and children—while their blood is yet trickling down the walls of their former habitations—while the Indian war-whoop and the British drum, are in unison saluting the ears, and the British dagger and the Indian tomahawk suspended over the heads of our citizens,—at such a time, when the soul of every man who has sensibility to feel his country's wrongs, and spirit to defend her rights, should be in arms—it is that they cry *peace!* While the brave American tar, the intrepid defender of our rights, and redeemer of our national character, the present boast and future honor of our land—is impressed by force into a service he detests, which compels a brother to imbrue his hands in a brother's blood—while he is yet "tossing upon the surface of the ocean, and mingling his groans with those tempests less savage than his persecutors, that waft him to a returnless distance from his family and his home,"—it is at such a period, when there is no peace, when there can be no peace, without sacrificing every thing valuable—*that our feelings are insulted, the public arm paralyzed, and the public ear stunned, by the dastardly* and incessant cry of *peace!* . . . Can any man be so stupid as not to perceive that it is an appeal *to your fears, to your avarice,* and to all the baser passions which actuate the human heart? That it is approaching you in the manner in which alone those puny politicians who buz about you, and thicken the political atmosphere, say you are accessible, *through your fears and your pockets?* Can any American citizen be so profligate as not to spurn indignantly the base libel upon his character?

The phrase in the last sentence but one, *puny politicians . . . say you are accessible through your fears and your pockets,* is a variant of a line of Alexander Hamilton, sacredly cherished by Van Buren throughout his political career. To have used the phrase in its original purity would have left him open to the charge of invading the sanctity of the tomb. So by changing the word *interests* to *pockets* and making other slight changes, he avoided this charge.

But it is not enough to accuse the leaders of the opposition with materialism: they must be made odious; and what would

be more serviceable in this respect than to identify the Federalists of 1812 with the Tories of 1776? And thus Van Buren did it:

Fellow-citizens—should those political witlings, who are not only ignorant themselves of the leading points of controversy in our disputes with the belligerents, but who are uniformly assailing you as men destitute at once of spirit and of judgment—should they point to the wars which agitate and have convulsed Europe, as arguments against the prosecution of that just and necessary one which has been forced upon us, we know that you will indignantly repel the unfounded suggestion. The wars of Europe are waged by monarchs, to gratify their individual malice, their individual caprice, and to satiate their lawless ambition. Ours is in defence of rights which must be defended, or our glory as a nation will be extinguished—the sun of our greatness will set forever. As well might it have been said during the revolution, that war should not be waged, because wars had desolated Europe. *The same rights you then fought to obtain, you must now fight to preserve—the contest is the same now as it was then—and the feelings which then agitated the public mind, which on the one hand supported, and on the other sought to destroy, the liberties of the country, will be seen and felt in the conduct of the men of this day.*

He again displays an acquaintance with world politics in:

We solicit the honest men of *all parties*—to remember that ours is the last republic—that all the influence of the crowned heads of Europe has been exerted to propagate the doctrine, that a government like ours can never stand the rude shock of war; to reflect that this is the first occasion in which this government has been engaged in a war, and that the great and interesting questions, whether man is capable of self-government, whether our republic must go the way of its predecessors, or whether, supported by the hearts and arms of her free citizens, she shall deride the revilings, and defeat the machinations of her citizens, are *now to be tried.*

After using the argument of the Madisonians in their successful fight against Clinton a few months before, that the issue is "who is for his country or against his country," and that all Europe is watching the polls, he ended his appeal with:

To the polls, then, and by a united and vigorous support of the candidates we submit to you, discharge the great duty you owe to

your country, preserve for your posterity the rich inheritance which has been left you by your ancestors,—that future ages may triumphantly point to the course you pursued on this interesting occasion, as evidence that time had not as yet extinguished that spirit which actuated the heroes of *Breedshill* and of *Yorktown;* of those who fell at *Camden,* and of those who conquered on the plains of *Saratoga.*

But while Van Buren was showered with praise by the enemies of Clinton for writing the appeal, his old friend from Columbia County, Sheriff Hogeboom, drove to Albany through the snow when he read of the latest honor thrust on Van Buren. Hogeboom told Van Buren that a decent respect for the old friendship between him and Clinton, in which Van Buren shared, required that Van Buren play the part of a neutral in the campaign. Tompkins, whom Clinton had made Governor, as he had made Van Buren Surrogate, inspired the attack on his patron. Tompkins wanted to be President.

Van Buren weakly replied that the support of Tompkins meant the support of the war. In high dudgeon the honest old Dutchman abruptly ended the conversation and their friendship, and forthwith began a warfare on Van Buren that did not stop with politics, but extended to Van Buren's clients, and lasted for several years.

A few days after Clinton's rejection, the Federalist Council of Appointment removed Van Buren as Surrogate. This did not surprise him: it was part of the game. And had he held the Attorney Generalship—he still believed Clinton kept him out of this place—he would have been displaced, as Emmet had been.

The Federalists were relying on the support of Clinton's friends and sympathizers in the spring elections. The Patroon was their candidate for Governor, and they hoped his war record would win him thousands of Republican votes. Their confidence was increased when forty-one leading Republicans—Clintonians all—including United States Senator German, publicly assailed the Madison administration, and decried Tompkins and Tayler as mere partisans and tools of Madison. Reports from the country districts where Clinton had a large following indicated victory for the Federalists, who had not elected a Governor since 1799.

The New York election held the attention of the country.

The New England States were opposed to the continuance of the war, and fears were entertained that a Federalist triumph in the Empire State might force the Government to make a disgraceful peace. The Patroon had condemned the National government for its handling of the campaign on the Canadian border in resigning his command. The Government was without credit. A resolution empowering the State to lend five hundred thousand dollars to the Government passed the Senate, but was defeated by the Federalists in the Assembly; every measure in support of the war which passed the Republican Senate was defeated by the lower house. A disgraceful peace was not an idle fancy.

No one in Albany worked harder in support of these war measures than Van Buren. All who had business at the State capitol thronged into the Senate when Van Buren, or Morgan Lewis, the former Governor, or Erastus Root, was speaking. An attentive follower of Van Buren's war speeches was the silver-haired Senator from Schoharie County, Henry Hager, who bore wounds received on the battlefields of the Revolution. After Van Buren finished an unusually moving address, Hager, his eyes filled with tears, walked over to Van Buren's seat and embracing him, kissed him on both cheeks. And again the chamber rang with applause.

There was gloom among the other Republicans in the Legislature as they received advices from their homes; old-line Republicans, tired of the war, or the way it was being bungled, were openly working for the Patroon. When the votes were counted it showed that the Federalists still controlled the Assembly, but that the Republican candidates for Governor and Lieutenant Governor were elected by the bare majority of 3,606 votes.

Van Buren's leadership was strengthened.

CHAPTER XV

In March of 1813 Van Buren sat for the first time in the Court for the Correction of Errors. This highest tribunal, for the convenience of the majority of its members, held its sessions in Albany during the legislative session. In common with others brought up in the country Van Buren regarded the Debtors' Prison as the most abominable institution existing in the Republic. Outside of New York City a debtor was lodged in the same jail which immured felons. He noted that this relic of barbarism was perpetuated by his own profession, and unscrupulous merchants who persuaded the poor to make purchases beyond their means and trust to the sympathy of the neighbors of the unfortunate to pay the debt to get him out of jail. Thurlow Weed, speaking of his boyhood in the village where Van Buren was married, described the lot of one of these unfortunates with tears:

In those days, hard as it may seem now, poor men, however honest, lived in dread of *Imprisonment!* My father was one of a class whom ill-fortune tracked through life. He worked hard, but never prospered. His horse was always sick, or lame, or was backing the cart off the Dock. The Debtors' Prison, therefore, was ever staring us in the face. But there was this blessed mitigation of the horrors of a Debtors' Prison. There were Gaol Liberties connected with the prison, of which a debtor, with a reputation for honesty, and a wealthy friend who would sign his bond to remain upon the "Limits," might avail himself. The Limits, accurately defined, extended to business parts of the Village, so that a poor man stood some chance of keeping the wolf from devouring his wife and children. This, however, was not the full measure of the Law's humanity. On Sunday the debtor was free! And on these days of jubilee I used to roam with my enfranchised father down to the "Point," over to the Shad Fishery, or up to Jefferson, with a deep sense of gratitude that he was permitted, one day in the week, to walk God's earth, and breathe His atmosphere, unrestrained. Creditors were on the watch, always, for truant debtors, who sometimes failed to return to the Limits before twelve o'clock on Sunday night.

In Van Buren's first sitting in the Court for the Correction of Errors, one of these cases was up on appeal. A short time before, the Legislature had softened the lot of the debtors to the extent of permitting them to be liberated on bond, the "liberties" or "limits" in country districts being a fixed radius of which the jail was the center. In this particular case the debtor was a poor farmer. While at "liberty" pasturing his only cow, the bovine wandered "four, six, or ten feet" beyond the imaginary line. The farmer followed his cow for "four, six, or ten feet" beyond the "limits," and immediately returned within bounds. His vigilant creditor was at hand and sued to recover the amount of the bond. A justice of the peace held that there was an "escape" and decided for the creditor. The Supreme Court, James Kent presiding—the author of the *Commentaries* did not rise to the dignity of Chancellor until 1814—affirmed the harsh decision of the lower court.

Van Buren, in an opinion reversing the findings of the lower courts, showed his intense feeling by characterizing, inferentially, Kent and all others who held to the strict letter of the law, as wanting in intelligence, reflection, and philanthropy. He said:

> Coeval with the authority of imprisonment for debt, have been the exertions of men of intelligence, reflection and philanthropy, to mitigate its rigor; of men who viewed it as a practice fundamentally wrong, a practice which forces their fellow creatures from society, from their friends and their agonized families, into the dreary walls of a prison; which compels them to leave all those fascinating endearments, to become an inmate with vermin; which confines them within the same walls which contain the midnight incendiary and the ruthless assassin; not for crimes which they have committed; not for frauds which they have practised on the credulous and unwary; (for such distinctions are not made;) but for the misfortune of being poor; of being unable to satisfy the all-digesting stomach of some ravenous creditor; of men who looked upon the practice as confounding virtue and vice, and destroying the distinction between guilt and innocence, which should unceasingly be cherished in every well regulated government.

Van Buren's enemies said that he never rose above the stature of a pettifogging country lawyer. The fragment we have culled from his decision in the case of Barry *vs.* Mandel destroys

this least of the canards circulated by his foes. A month later he introduced a bill entitled "An Act for the Relief of Small Debtors" which the Senate passed, as a gesture of friendliness to him, knowing that even were the Assembly Republican, it would be doomed there, as neither the legal profession nor the merchant class was prepared to grant any further concessions toward debtors. In succeeding sessions he introduced similar measures, capping them in 1818 with "An Act to Abolish Imprisonment for Debt and to Punish Fraud." This also passed the Senate and died in the Assembly.

Toward the end of the session of 1813, the agents for the Bank of America performed a feat without parallel for many years. In order to give those who voted for the bank's charter an excuse for their constituents, the institution had agreed to pay a bonus of $400,000 to the common school fund. A bill was introduced reducing the bonus to $100,000. This meant an outright gift to the bank, in which, of course, the corrupt legislators would share.

Van Buren and Root led the opposition to this audacious measure. Daniel Paris, who was serving his fourth year in the body, was presiding during the debate. The opponents and friends of the measure were violent in their language. Excitement ran high; and while Van Buren was in the midst of his attack on this particular iniquity of the lobby whores—they were not called lobbyists until shortly before the Civil War—Senator Paris rose, reeled, and fell back in his chair in a faint.

The bill passed, and went to the Council of Revision, which included the judges of the Supreme Court. One of them, Judge William W. Van Ness—sometimes confused with Van Buren's preceptor and Burr's second, who was also a judge, having been appointed to the United States Circuit Court a few months back —received $5,000 for favoring the measure. This same judge, some years earlier, while an Assemblyman, was the agent of the Merchants Bank, when it bribed the Legislature. In the granting of the bank charters the Governor had no voice.

In this session Van Buren exposed the sham of the banking system of the day, a system which was little short of legalized robbery. Van Buren's speech was on his motion to reject the bill chartering the Catskill Bank. He bared the sordid corruption of

the banks in obtaining their charters, and in robbing the public. He labored long on the eight pages of closely written notes he held in his hand as he denounced the great evil, which he was destined, a quarter of a century later, to destroy.

. . . The very manner in which our banks go into operation, on what is called foreign paper, shows that the idea of redemption by specie is not indulged in at their very inception. . . . At the commencement of the banking business, it was confined to men of high notions of credit; confidence must of necessity be destroyed by throwing the management of it, with chartered privileges, into the hands of everybody.

Meantime, what is the situation of the State? First, specie is driven out of circulation; next, trade becomes extensive in the proportion in which the amount of supposed cash has been extended. But the value of everything bears a proportion to the value of your money. The good-sense of the community must ultimately impair confidence in bank paper; the failure of a single bank would consummate it. And when paper-money is all the money we can depend upon to answer the purposes of trade, a depreciation in its value not only produces a like depreciation in the value of property, but an entire stagnation in business.

Against only the sources of danger thus far delineated, what are the inducements to continue the accumulation of banks? Can any one doubt but that the increase of banks must, some time or other, lead to their destruction? Can any one say or expect that there will be a more fit opportunity to stop than now? . . .

When the Legislature adjourned in the middle of April, Van Buren returned to Hudson, stopping at Kinderhook to visit his parents as he had done on week-ends during the session when the roads were not too high in snow. He was glad to get home; he now had three children, all boys, and the third, some four months old, was named for him.

During the summer he did considerable horseback riding between Hudson and Kinderhook. His father, now retired and living the life of a country squire, was sixty-eight, and the devout little woman looked little more than fifty, although she was only two years her helpmeet's junior. She was always recalling little incidents of Martin's boyhood, pleasant ones all, for somehow she had forgotten all the hardships of those early years.

It now seemed as though they had never wanted for anything; but then no one ever does who has trust in the Lord. This was her simple faith. But there was little of the objective religious note in Van Buren. He has left us only two quotations from the Bible, one a brief line, and the other five verses from the Acts. These occurred to him as he watched Madison deriving advantage by dividing his political foes, as Paul had done to escape from his enemies.

This part of Acts 23 is the guide of many political leaders; but to get the full flavor that Van Buren found in the five verses he cited, it is necessary to summarize the events leading up to the scene described in the quotation. A mob in Jerusalem had seized the Apostle and was about to slay him when he was rescued by soldiers of Cæsar, who took him before the high priest Ananias. And Paul said that he had lived in good conscience before God, whereupon Ananias commanded that Paul be smitten on the mouth. And the free-born man of Tarsus cried out: "God shall smite thee, thou whited wall; for sittest thou to judge me after the law, and commandest me to be smitten contrary to the law?" The reviling of their high priest incensed the people. Now follows the passage which guided Van Buren in his struggle for place and power:

6 But when Paul perceived that the one part were Sadducees, and the other Pharisees, he cried out in the council, Men and brethren, I am a Pharisee, the son of a Pharisee: of the hope and resurrection of the dead I am called in question.

7 And when he had so said, there arose a dissension between the Pharisees and the Sadducees: and the multitude was divided.

8 For the Sadducees say that there is no resurrection, neither angel, nor spirit: but the Pharisees confess both.

9 And there arose a great cry: and the scribes that were of the Pharisees' part arose, and strove, saying, We find no evil in this man: but if a spirit or an angel hath spoken to him, let us not fight against God.

10 And when there arose a great dissension, the chief captain, fearing lest Paul should have been pulled in pieces of them, commanded the soldiers to go down, and to take him by force from among them, and to bring him into the castle.

With the coming of the New Year Van Buren made preparations for another legislative session. Although war was raging, much of the talk on Capitol Hill was of the Presidential election of 1816, a good two years away. Governor Tompkins, confident that the nomination would come to New York, considered himself the heir-apparent of Madison, now that Clinton was out of the way; and he was making friendly overtures to all of the leading Clintonians. Tompkins did not regard the candidacy of Armstrong as formidable. The Secretary of War was a Livingston; that would alienate the needed Clintonian strength from his cause. And by the time another year or so had passed, Tompkins hoped to make his peace with Clinton.

Van Buren missed the aid of John W. Taylor of Saratoga, a man of his own years, who had been most helpful to him in the lower house. Taylor was in Congress now. It was Taylor who said that he "never knew a man who had fixed his hopes upon the presidency who would not sacrifice all his personal considerations, and all pre-existing friendships to attain his object." Taylor served his State many years in the National Capitol, and was several times elected Speaker. He was only citing the record in uttering this cynical truism. Taylor was a regular correspondent of Van Buren, and kept him informed of the political moves in Washington.

The Legislature convened Tuesday, January 25. The Federalists resumed their policy of obstructing all war measures. They were but paralleling their partisans in Congress where another Elisha Williams had distinguished himself a week the Friday past in opposing the enlistment bounty bill. He was younger than Williams, and represented New Hampshire in the House of Representatives. His name was Daniel Webster. He answered the charge that Federal opposition was responsible for the failure of the war by saying that that was not a new strain. Then he added:

"It has been sung a thousand times; it is the constant tune of every weak or wicked Administration. What Minister ever yet acknowledged that the evils which fell on his country were the necessary consequence of his own incapacity, his own folly, or his own corruption? What possessor of political power ever yet failed to charge the mischiefs resulting from his own measures, upon those who had uniformly opposed those measures?"

And then he proved, by the logic now used by the Madison administration, that Lord North had not lost the American Colonies to England, but that the fault lay with those who had forewarned him that his disastrous policy would disaffect the Colonies: Chatham, with his impertinent boldness; Fox, with his idle declamation; and Barré, with his unseasonable sarcasm.

Webster painted the horrors of civil war with a few bold strokes in his reference to the Canadian campaign: "Canada, they [the Americans] know, is not to be conquered but by drenching its soil in the blood of its inhabitants. They have no thirst for that blood. The borderers, on the line, connected by blood and marriage, and all the ties of social life, have no disposition to bear arms against one another. Merciless indeed has been the fate of some of these people. . . . In some of the affairs which we call battles, because we have nothing else to give the name to, brother has been in arms against brother. The bosom of the parent has been exposed to the bayonet of his own son. Sir, I honor the people that shrink from a warfare like this."

The failures of the campaigns, Webster truthfully asserted, were not due to want of natural resources. "The Northern States alone are able to overrun Canada in thirty days, armed or unarmed, in any cause which should propel them by inducements sufficiently powerful. Recur, sir, to history. As early as 1745, the New England Colonies raised an army of five thousand men, and took Louisburg from the troops of France. On what point of enemy's territory, let me ask, have you brought an equal force to bear in the whole course of two campaigns? On another occasion, more than half a century ago, Massachusetts alone, although its population did not exceed one-third of its present amount, had an army of twelve thousand men. Of these, seven thousand were at one time employed against Canada. A strong motive was then felt to exist. With equal exertion that Commonwealth could now furnish an army of forty thousand men."

Webster recalled that our troops had been able to drive the enemy back to their own line each time they invaded us, but that our arms did not pass that line, because they did not choose to pass it. This was to support his utterances that "the world will not ascribe the issue to want of spirit or patriotism in the American people."

In his long public career Van Buren met and quarreled with many: all were forgiven save Webster; for him he cherished an undying hate; and not without cause. It was to be years before these two Titans were to meet.

There were other days when Webster and other ultra-Federalists sat silent in their seats. These were the occasions when the atrocities committed by Indians and British on the Western frontier were recounted. New York's legislative session of 1814 was well-nigh fruitless. All war measures were killed by the Federalist Assembly. Only two bills of moment became law. One legalized lotteries for the aid of Union College, Columbia College, and two other institutions of learning now no more. Union College received $200,000 of the amount raised. Everybody gambled. Investigations of a later day disclosed that the public had little or no chance in these lotteries. The big prizes generally went to secret representatives of influential politicians. The second bill provided that children of the poor might attend the common schools without cost on a majority vote of the district trustees.

Almost simultaneously with the opening of the session, Winfield Scott, then a Colonel, arrived in Albany after conferences with Madison and his Secretary of War. "At this dark period of the war," wrote Scott, "Albany, rather than Washington, was the watchtower of the nation." Scott was under orders to remain in Albany until his commission as Brigadier General reached him, when he was to return to the Canadian frontier.

Scott's mission to Albany was political as well as military. In the day he supervised the dispatch of military trains from the arsenal to the Canadian frontier, and performed other work of a soldier. At night he was in conference with Governor Tompkins and other Republican leaders "on high political and military matters." Ambrose Spencer, the most conspicuous war Republican in the North, was at these gatherings, and "Van Buren—then emerging into distinction, . . . now began to mix a little in the reunions alluded to."

Scott was twenty-nine, two years younger than Van Buren, and they became fast friends. Scott, no mean politician himself, complimented Van Buren by predicting that he would round out his career as President. Scott is silent on Van Buren's reply.

Then came the happy morning in the middle of March when

the post brought Scott his commission. There were few things remaining to be done in Albany before he could start for the Niagara frontier. After leaving the post office with the precious parchment, he met Van Buren on the street. Van Buren congratulated Scott on hearing the news.

"General," added Van Buren, "we must celebrate this happy event. Come to my house this evening; I'll invite a few friends, and we'll take a glass of wine and a few oysters together."

Scott promptly accepted. As he did so, Van Buren suddenly remembered that he was host to one well-nigh penniless, and by many regarded as a traitor. Betraying a little embarrassment, he hastily added:

"General, I forgot something which I ought to have mentioned before asking you to my house. Colonel Burr is stopping with me for a few days. Have you any objection to meet him?"

"Any gentlemen, Mr. Van Buren, whom you think proper to present me to, I shall be happy to know," replied the soldier.

Burr had returned to his native land nearly two years before, after his self-exile in Europe. Many of his old acquaintances cut him on the street, and Burr, on seeing an acquaintance of happier days approaching, would glance furtively out of the corner of his eye: and if he apprehended a snub, he would look the other way. The Madison administration was hostile to Burr, and this was in the mind of the ever cautious Van Buren when he apprised Scott of Burr's presence in his lodgings.

After the oysters and wine had been served, Scott, Van Buren, and Burr sat down to a game of whist with a fourth man, unnamed by Scott. Burr was Scott's partner and they got on famously.

"General Scott, I have seen you before," said Burr as a trick was taken.

The younger soldier remembered the occasion well: it was at the trial of Burr for treason at Richmond. He was visibly embarrassed as he stammered:

"Have you, Colonel? And where was it?"

The courteous Burr, whose piercing brown eyes were fixed on Scott, played a card, and in his courtly yet careless tone, and with his characteristic short, sharp phrases, answered:

"At Richmond; in the court room; at my trial. You stood on

the lock of the door above the crowd. I noticed you at the time: it was on the first day."

The massive lock of wrought iron was again under Scott's feet as Burr revived the scene in the court room. Scott was tall, and the added height of his perch had attracted the attention of the prisoner at the bar. Scott was impressed with the detached, impersonal manner of Burr in discussing his trial: he might have been talking of the cause of a client; and Burr was pleased with the marvelous memory and delightful conversation of his partner. Scott had an eye and ear for everything: the picture painted by Parton of the scenes inside and outside the court, the demeanor of the judges and lawyers, and of Burr himself was from the imprint of Scott's recollections.

While they talked of politics and the war, Burr exclaimed:

"There is a man in Tennessee to whom Jimmy Madison will not give a commission because he is a friend of mine; but he is equal to any service. I mean Andrew Jackson. If they give him a commission, things will go better in the western country."

This recalled to Scott a vivid scene in Richmond during the trial. He was in a crowd gathered around a fiery speaker whose rostrum was the steps of a grocery. The orator was defending Burr as the victim of a political conspiracy, and accused Jefferson of being his persecutor. Scott asked a bystander the name of Burr's champion.

"A great blackguard from Tennessee, one Andrew Jackson," he was told.

It was a late hour when Scott said good-night, or good-morning, to his amiable host and his delightful guest. Ten weeks later Madison commissioned Jackson a Major General in the regular army.

Burr was in Albany attending the Court for the Correction of Errors. On learning this, Van Buren invited him to his lodgings by way of returning the hospitality shown him at Richmond Hill.

As in 1813, Van Buren drafted the Senate's reply to the Governor's address to the Legislature, and again he wrote the party's appeal to the voters. Seven of the eight Senators elected this spring were Republicans. Among them was Moses I. Cantine, Van Buren's brother-in-law. The Republicans also elected a ma-

jority of the Assembly, giving them control of both branches of the Legislature for the first time since the war started.

Early in July, Van Buren, who had been watching the campaign on the Canadian frontier with redoubled personal interest, was heartened by the victorious charges of Scott and his men at the battles of Lundy's Lane and Chippewa. After routing the British with an inferior force in the latter engagement, Scott was carried from the field with an ugly musket wound in his shoulder.

This news from the Niagara frontier offset the intelligence that a powerful British fleet was operating in Chesapeake Bay and menacing Washington. And from New York came word that Clinton, once more Mayor, had appealed to citizens without respect to condition or party to lend their services and their wealth for the defense of the city.

Clinton's appeal was published Tuesday, August 2. On Saturday all organized groups in the city, with descriptive banners planted beside them, began throwing up earthworks at strategic points. The crafts engaged were enumerated in a jingle of the day from which we quote:

> Plumbers, founders, dyers, tinners, tanners, shavers,
> Sweepers, clerks, and criers, jewelers, engravers,
> Clothiers, drapers, players, cartmen, hatters, nailers,
> Gaugers, scalers, weighers, carpenters, and sailors.

Schoolboys able to swing a pick and shovel did the work of men, while lads of tenderer age carried dirt on fire shovels and shingles. When the work was done, Samuel Woodworth stirred the town with a poem addressed to the enemy which ended with the stanza:

> Better not invade; recollect the spirit
> Which our dads displayed and their sons inherit.
> If you still advance, friendly caution slighting,
> You may get, by chance, a bellyful of fighting.
> Pick-axe, shovel, spade, crowbar, hoe and barrow;
> Better not invade; Yankees have the marrow.

No one in the city had been more zealous in preparing the city and its environs against attack of a marauding fleet than Clinton. From the very beginning of hostilities he was foremost in

rendering real aid to the State and Federal governments in their prosecution of the war. At his initiative the city raised the funds to pay the militia quartered within its boundaries. He applied to the Governor for a command. Tompkins, raised from obscurity by Clinton, declined to grant this request; and unblushingly gave as his reason that Clinton was opposed to the war.

Clinton ignored the rebuff. The city's credit was good, and he loaned the State $300,000; and advanced $1,400,000 through the State to the National government as United States Treasury notes were regarded as almost worthless.

To make this second loan effective, it was necessary for Tompkins, as Governor, to indorse the United States notes before the banks would accept them as collateral. An agent of Clinton obtained the promise of Tompkins to indorse them; but when he called on him, the Governor said that he must hasten to Albany as Mrs. Tompkins was about to be accouched. Later, when pressed to sign the collateral, the Governor denied ever making the promise.

At this moment of national peril Rufus King asked Tompkins to indorse the Treasury notes. Tompkins replied that he would have to act on his own responsibility and would probably be ruined.

"Ruin yourself if it becomes necessary to save the country, and I pledge you my honor that I will support you in whatever you do," said King.

Tompkins signed the notes.

Still there was much concern over the arrival in American waters of England's veterans of the Napoleonic Wars, and the burning of the National Capitol by the enemy in the middle of the month was not forgotten in the repulse of the invading troops at Baltimore. Armstrong, made the scapegoat for the Washington disaster, resigned from the Cabinet. Tompkins was now New York's only favorite.

Early in September fourteen thousand British troops crossed the St. Lawrence and invaded New York. A naval force flying the crosses of St. Andrew and St. George, coöperated, and sailed into Lake Champlain—each drop of this long narrow body of water lay in the United States, the eastern shore being part of Vermont's western boundary line. On the morning of September

11 the land and sea forces of Great Britain began their offensive, the guns of his Majesty's ships opening up the two-and-a-half-hour performance on the lake.

The American squadron lay in the harbor of Plattsburg, under command of Thomas MacDonough, a pious Gael of thirty years. Before the battle he gathered his officers around him on the deck of the *Saratoga* and all knelt in prayer. MacDonough's flagship was supported by a brig, two schooners, and ten galleys or gunboats. Commander Downie's opposing force was superior by two sloops and two gunboats.

One of the first shots of the invading squadron struck a hen coop on MacDonough's flagship, releasing a young game cock, the mascot of the ship. The bird crowed lustily throughout the battle from a gun slide. A rhymester thus described the incident:

O, Johnny Bull, my Joe, John,
Behold on Lake Champlain,
With more than equal force, John,
You tried your fist again;
But the cock saw how 'twas going, John,
And cried "cock-a-doodle-doo,"
And MacDonough was victorious, John,
O, Johnny Bull, my Joe.

Two weeks after the battle of Plattsburg, the Legislature met in a special session at the call of the Governor. Van Buren drafted the bill calling for conscripting twelve thousand troops. This act, which Benton described as "the most energetic war measure ever adopted in this country," became law on October 24.

Other war measures raised the pay of the State militia; created twenty companies of sea fencibles for the defense of the port of New York; authorized the raising of two regiments of blacks to serve for three years, slaves to join only with the consent of their masters, and to be manumitted when honorably discharged; empowered associations to engage in privateering.

In this special session Van Buren played what is euphemistically called practical politics. Solomon Southwick, who had waxed fat on that ancient perquisite, State printing, knowing that the Senate was about to name Jesse Buel State Printer, wrote in

protest to Van Buren. Buel was owner of the Albany *Argus*. Southwick charged him with having loaned type to counterfeit United States Army bills. "That Buel committed this base and infamous crime is certain," wrote Southwick, "and if the Senate with the record of it on their journals can vote for his appointment,—Amen!" Van Buren pocketed the letter, and Buel was appointed.

This act would stamp Van Buren as dishonest in business; but in politics a man is an honest man if he is not personally corrupt. Moreover, Southwick was not making the charge because of purity of motives: he was Buel's rival for the place. Then again, Southwick was no longer serviceable to the politicians; for he had been caught passing them bribes. Van Buren was honest. But he was ambitious, and to use the language of a contrite thief of later days, he knew that "a politician in coming forward takes things as they are." Van Buren was as yet a politician.

Some of the war measures reënacted into law were criticized by Chancellor Kent. Samuel Young, the brilliant speaker of the Assembly, under the pseudonym, *Juris Consultus*, made reply in Buel's journal. Kent, under the pen name of *Amicus Curiæ*, answered with another series of letters. When these two worthy foemen had their turn, Van Buren entered the lists. His friends at first were apprehensive of the consequences to his reputation, but his contributions to the controversy, under the nom de plume of *Amicus Juris Consultus*, raised his legal stature.

While the Federalist legislators voted against every war measure, they did not send any representatives to that ill-conceived gathering, the Hartford Convention. The legislatures of Massachusetts, Connecticut, and Rhode Island sent delegates; two counties in New Hampshire, and one Vermont county, were also represented. The twenty-six New Englanders who met in Hartford on the second Thursday in December, and adjourned *sine die* on the first Thursday in January, were held up by the Republican press as a subcommittee of the Houses of Parliament. Harrison Gray Otis was the special target of the opposition. Among the delegates were jurists of the first rank such as James Hillhouse and Zephaniah Swift; men of affairs and philanthropists saw their spokesman in Daniel Waldo; George Cabot, a mere novice in politics, presided over the convention;

and more than ordinary patriotic flavor was given the assemblage by three officers who fought under Washington—Samuel Ward, Hodijah Baylies, and Daniel Lyman.

There were men in New England who wanted their States to secede from the Union. But Massachusetts chose Cabot to head her delegation because of his opposition to "the young hotheads," as he called the extremists. The ambiguous language of the resolutions adopted, and the impenetrable secrecy thrown around the proceedings for nearly nineteen years, gave rise to the wildest conjectures. History is replete with men who have been indifferent to the falsehoods circulated by their adversaries: Van Buren is a conspicuous example. But the Hartford Convention is the only public assemblage whose entire membership exercised a concerted contempt for public opinion. This is at once glorious and grotesque. During the better part of two decades the delegates let it be thoroughly fixed in the mind of the people, and in the books written of the period, that their proceedings were treasonable. They ignored challenges to publish the journal of their deliberations: when it suited the twelve who remained of the original delegation, the innocuous minutes were given to the world.

Each delegate to the Hartford Convention was a fanatical believer in State rights. Its remonstrance against the conduct of the war, and the charges that the administration of Madison had violated the Constitution, were predicated on this theory of State sovereignty. Phrases like the following abound in the report of the convention: ". . . if the Union be destined to dissolution, by reason of the multiplied abuses of bad administration, it should, if possible, be the work of peaceable times, and deliberate consent . . . a severance of the Union by one or more states, against the will of the rest, and especially in a time of war, can be justified only by absolute necessity . . . in cases of deliberate, dangerous, and palpable infractions of the constitution, affecting the sovereignty of a state, and liberties of the people, it is not only right but the duty of such state to interpose its authority for their protection, in the manner best calculated to secure that end."

The New Englanders, in preparing this ideal brief for the

cause of the slave society of the South, snuffed the flickering candle of Federalism.

Three days after the Convention made public its report, Jackson won the Battle of New Orleans and a niche in the New World's Pantheon. At that moment, the treaty of peace, which had been signed on Christmas Eve, was on the high seas. The first news the people of the United States had of the success of the mission of Albert Gallatin, John Quincy Adams and their associates, was published in a special edition of a New York journal herewith reproduced:

PEACE

Office of the New-York Gazette,
Saturday Evening, 11th Feb., 9 o'clock P. M.

It has pleased the Almighty to restore to us the blessings of peace.

We have just seen Henry Carroll, Esqr, Secretary to the American Legation. He informs us that he has arrived on the British Sloop of War *Favorite*, with the Treaty of Peace signed by the American and British Commissioners on the 24th of Dec. and that he is to depart for Washington in the morning. The vessel is below, and will be up to-morrow.

The special edition was printed in large type which filled one side of a sheet of octavo size. It was more like a small handbill than a newspaper. A tavern brawl has been spun to the dimensions of a novel; the conquest of a people has been told in three words.

CHAPTER XVI

When the news of peace reached Albany Van Buren was in the midst of preparations for a war that was to keep him embroiled for nearly half a century. He was venturing in Presidential politics. There was a likelihood that he would succeed where the Clintons and Livingstons had failed—in ending the sway of the Virginia Dynasty. The statesmen and politicians of Virginia seemed submissive to the inevitable. Madison himself had shown the way by inviting Governor Tompkins to accept the office of Secretary of State, a post which had led to the Presidency since the days of Washington. The tender carried with it the understanding that Monroe would be made Secretary of War after resigning as heir-apparent. Tompkins responded that he could be of better service to the nation as Governor of New York.

Of immediate moment was the election of a successor to United States Senator German, whose term would expire March 4. The Livingstons, hoping to restore their shattered political fortunes, backed Armstrong. Clinton's brother-in-law had been his chief sponsor. But now Spencer was allied with Van Buren who was working quietly to keep the Livingstons down. When the Republicans met the contest lay between Spencer and Nathan Sanford. The latter was a lawyer and a crony of Van Buren, and he passed the word that Tompkins favored Sanford.

Spencer, not being a member of the Legislature, was not present at the caucus. But his friends were there, and when Van Buren announced that he did not believe Spencer wanted the nomination, which was equivalent to election, the Spencerians truthfully replied that Van Buren was in error. This Van Buren knew, but he was inventing a means to enable Spencer's friends to withdraw his name. They declined the suggestion, and challenged the word of Van Buren by moving the appointment of a committee to wait on Spencer and request him to inform the caucus if he would accept the nomination. This was opposed by Van Buren, who asked that the caucus ballot immediately on

Sanford and Spencer. The Spencerians called for a vote on their motion, which was carried.

The friends of Spencer did not dare push his claim beyond the point they had. It would not do to fly in the face of Tompkins, who was more than Governor: he was the State's choice for the Presidency. His wishes could not be brushed lightly aside on the eve of a national campaign, and when the caucus reassembled the committee reported that Spencer was not a candidate "because he would not put himself in competition with so young a man as Mr. Sanford." This naïve thrust at the candidate of Van Buren and Tompkins carried with it the noted jurist's acknowledgment that the patronage and power they wielded insured their control of the caucus. Sanford was elected.

Spencer felt that he had been ungenerously treated by Van Buren. He had vainly tried to have Van Buren appointed Attorney General three years before. Van Buren was now a candidate for the place, which was held by a Federalist, Abraham Van Vechten, successor of Emmet. Spencer, jealous of Van Buren's growing power, and chagrined by his defeat, threw his influence behind John Woodworth, Van Buren's rival.

The Council of Appointment met on February 17. Two of the four Senators voted for Woodworth, and two for Van Buren. In this situation the Governor cast the deciding vote for Van Buren, who after the manner of the day, held both offices.

Until this day, Van Buren's high legal talents were known only to the bar. But to the people the Attorney General of the State, by virtue of his office alone, was a great lawyer. His predecessors, without exception, were men of recognized worth: Van Vechten, Emmet, Hildreth, Spencer, Josiah Ogden Hoffman, Lewis, Aaron Burr; and Burr's predecessor, Egbert Benson, first Attorney General.

Not long after his appointment, Van Buren moved his family to Albany, which was his home for the next fourteen years. His slave, Tom, did not get along with the other blacks in the State capital, so he became a runaway. Van Buren made no effort to get him back. He replaced him with a hired man, a free negro.

On Washington's Birthday Albany celebrated the signing of the Treaty of Peace. Wine flowed freely. At the Eagle Tavern where the Tammany legislators lodged—they were no longer be-

ing called Martling men, as they had their own Wigwam—a transparency was hung, which read: Tompkins and Crawford. Thus did Tammany, which paid tribute to Van Buren, acknowledge its fealty to the Governor. William H. Crawford, their choice for Vice President, was United States Senator from Georgia, and a Virginian by birth. And countless toasts were drunk to Van Buren, Tompkins, and Crawford.

The patrons of the Eagle Tavern were grateful to Van Buren and Tompkins because they were enemies of De Witt Clinton. After the April elections, when the Federalists elected a majority of the common council in New York City, the Tammany men and their up-State allies pressed for the removal of Clinton as Mayor. For many months past Clinton had been satirized in a number of brilliant articles signed *Abimaleck Coody*, who professed to be a humble maker of women's shoes. The author was Gulian C. Verplanck. Clinton replied in a series of letters signed *Traveller*. Clinton, unequaled in political polemics, in one of his responses said that Verplanck "has become the head of a political sect called the Coodies, of hybrid nature, composed of the combined spawn of Federalism and Jacobinism, and generated in the venomous passions of disappointment and revenge, without any definite character; neither fish nor flesh, nor bird nor beast, but a nondescript made up of all monstrous, all prodigious things." Thenceforward anti-Clintonians were called Coodies.

The faction of the Coodies led by Verplanck and Spencer wanted Peter W. Radcliff, State Senator, appointed Mayor of New York. The Tammany men pressed the cause of John Ferguson, their Grand Sachem. Tammany, whose membership increased considerably because of its zealous advocacy of the war, could not be ignored. Radcliff was vastly superior in talents to Ferguson and had been Mayor under a Federalist Council of Appointment in 1810. Van Buren strove to please both sides, so a bargain was struck to name Ferguson Mayor until a Federal office with patronage could be obtained for him. Ferguson was Mayor but a short time, the Madison administration appointing him Surveyor of the Port of New York, and Radcliff succeeded him.

They had a reason, of course, for removing Clinton: he had not been loyal during the war! And that his brother-in-law would

have part in his removal on such a malicious pretext is baffling only to those unacquainted with the hatreds engendered by partisan politics. Van Buren had offered a mild protest to Tompkins against Clinton's removal. He regarded the displacement as impolitic—nothing more.

The sentiments of the people were voiced by Emmet and Dr. William J. MacNeven, when they wrote, on behalf of a vast majority of their race: "We prefer the moment of your retreat from office for the expression of our deep sense of your manifold and important services to the public." As this is the only time we shall see these two Fenian leaders together, let us visit St. Paul's churchyard, where two obeliscal cenotaphs flank the house of worship which Washington attended when New York was the seat of the new Republic. MacNeven lies in the family burying ground on Long Island, and Emmet sleeps in a vault in St. Mark's in-the-Bouwerie. These monuments loom high above Broadway, and dwarf their fellows in this resting place of not a few of the country's illustrious ones. The curious will be repaid by a walk around these obelisks; for the epitaphs are graven in Gaelic, in English, and in faultless Latin. The inscriptions in the Roman tongue are the product of William A. Duer. There were hundreds of other minor politicians who could have done the work of Duer.

Base as was Spencer's part in the removal of Clinton, the Governor's complicity was far more reprehensible. Tompkins owed all to Clinton. It was Clinton who had him appointed to the Supreme Court, and it was Clinton who brought about his nomination for the Governorship. But Tompkins had Presidential aspirations.

The Council of Appointment made Ruggles Hubbard Sheriff of New York County. Hubbard, a member of the State Senate, resided in Troy, a full day's journey from New York. Tompkins and Van Buren had precedent for appointing him; the Clintons in 1801 imported Sylvanus Miller from Kingston to be Surrogate of New York County. Miller was talented and honest. Hubbard was a drunkard, dissolute, and corrupt: this was known to every one in Albany. Tammany welcomed Hubbard, and elected him Grand Sachem, but Hubbard did not remain long in the city. He fled on August 15, 1817, to escape arrest, his accounts being short thousands of dollars.

Before the two houses adjourned *sine die* on April 18 the Legislature met in joint session to elect a Regent of the University of the State of New York. Hitherto all who had held this office were men with degrees, or of recognized scholarship. A precedent was established in conferring this honor on Martin Van Buren.

In the spring elections the people showed their resentment over the removal of Clinton by electing many Federalist candidates for the Assembly in Republican districts; and the two parties, for the first time in the history of the State, were evenly divided in the popular branch. One of the Senators chosen from the Southern District was Jacob Barker, the most influential banker in New York City. Barker was overlord of Tammany, and always a friend of Van Buren.

The removal of Clinton had strengthened him with the voters, many regarding him as a martyr. For five years he had labored, without reward, aided by the Patroon and others, to unite the Great Lakes with the Hudson River, by means of a canal. Tammany by formal resolutions had denounced the idea as "so visionary and absurd that no rational man for one moment, could seriously entertain it."

Tompkins was an implacable foe of the canal. At the preceding regular session of the Legislature, unknown to the friends of the proposed improvement, Van Buren and others had a joker slipped into the supply bill repealing the authority of the Canal Commission to borrow the needed money to construct the inland waterway.

CHAPTER XVII

At the close of the legislative session of 1815, Van Buren had served three of his four years' term as Senator. He had become thoroughly acclimatized to the intrigue-laden atmosphere of legislative halls. But he was to learn more of the base designs of factious partisanship. The Virginia Dynasty was secretly opposing the candidacy of Tompkins and espousing that of one of its own, James Monroe, Madison's Secretary of State. Crawford, recalled from his embassy to France to serve as Secretary of War, was striving for first place, unwilling to be the choice for Vice President.

The pre-caucus campaign divided the New York Republicans into three factions. Clinton forgot his hatred of the Virginia Dynasty and joined hands with them to have revenge on Tompkins: he was for Monroe. Spencer supported Crawford. Van Buren and Tammany were for Tompkins.

Van Buren was puzzled. Early in December he went to Washington to look over the field. As he had suspected, Tompkins did not have a chance for first place. The New York members were in a quandary. One of them, Jabez B. Hammond the historian, asked Van Buren whom the New York delegation should support. He and Representative James Birdsall craned their heads forward as Van Buren meditated.

The question was obviously unpleasant. But Van Buren could not dodge it, so he replied: "We say Tompkins, of course." Instantly he turned the conversation into other channels. This was a favorite artifice with him.

When he left them, Hammond and Birdsall commented on his coldness to the candidacy of the Governor. They repeated his brief reply with the peculiar intonation he put on the last two words: "We say Tompkins, *of course.*" They could not resolve it; they were confessedly mystified.

The New York State Legislature convened on the last Tuesday of January. The Assembly was no longer evenly divided.

Three of the one hundred and twenty-six members of the lower house had passed on, and the opening roll-call showed sixty-two Republicans and sixty-one Federalists in their seats.

One of the Republican seats was held by Peter Allen through an election fraud committed by the County Clerk of Ontario. William A. Duer, then serving his second term as a Federalist member from Dutchess County, presented a petition praying the Assembly to unseat Allen and declare Henry Fellows, Federalist, duly elected. After Duer's plea was read, no one doubted that Fellows should be seated. But Van Buren and Governor Tompkins had secretly ordered to perpetuate the fraud long enough to give the Republicans, with their dishonest majority of one, sufficient time to choose the four Senators to serve with the Governor on the Council of Appointment during the ensuing year. If Fellows were seated before the Council was chosen, Van Buren would be removed as Attorney General, and nearly six thousand other Republicans holding civil office at the pleasure of the appointing power would be replaced with Federalists.

As set forth in Duer's petition, the clerk of Ontario County had wrongfully deprived Fellows of forty-nine votes in the town of Pennington. The inspectors of election had filed a certificate with the clerk of the town that Henry Fellows had received these votes. In the duplicate, sent to the county clerk, the candidate's name was written Hen. Fellows. The county clerk rejected these ballots, giving Allen a false majority of nineteen; and this corrupt official then certified that Allen had been elected.

Van Buren canvassed the Republicans in the Assembly who wanted to do the honest thing and seat the Federalist. He argued that if the situation had been reversed, the Federalists would do what he was counseling: to keep Allen in his seat and let him vote on every measure until the Council of Appointment was selected; once that was done, Fellows could be seated. Meanwhile, Van Buren cautioned the timid ones, they must vote against considering the petition of Duer until the Republicans had stolen the Council of Appointment from the Federalists.

Van Buren was seldom off the floor of the Assembly until the Council of Appointment had been chosen. So brazenly did he circulate among the wavering Republicans, that Peter A. Jay, a son of John Jay, pretended that he could not recall the name

of a Republican Assemblyman with whom Van Buren was at that moment talking, said: "I mean the gentleman who always speaks with the Attorney General at his elbow." Van Buren blushed as the Federalist members applauded the sally, and presently Van Buren left the floor.

For eight days the Republicans kept Fellows out of his seat, and Allen voted on all measures. Every corrupt motion made by Henry Leavenworth, the Republican member from Delaware County who directed the sorry farce, was sustained by Daniel Cruger, the Republican Speaker. After the Council of Appointment was chosen by the Republicans, the house acted on Duer's petition, and with only one negative vote, seated Fellows. And until adjournment on April 17 the Federalists had a majority of one vote in the Assembly; but the Republicans had the Council of Appointment.

Allen was given a dinner before he left Albany. This was the only price he received for his harlotry.

On February 14 the Republicans in caucus instructed their partisans in Congress from New York to support Tompkins for the Presidency. Tompkins had no chance, and there was no harm in letting him have the honor. Six days later the Republicans held another caucus to nominate a State ticket. Tompkins was renominated for Governor. The Federalists named Rufus King to oppose him.

During this session Tompkins and Van Buren, intent on the political annihilation of Clinton, struck at him through the Erie Canal. This was done in the Governor's speech to the Legislature, delivered by Tompkins, but written by Van Buren. The Canal was essentially an enterprise for the State of New York to carry through. Tompkins, without committing himself one way or another, suggested that the Western States and the State of Vermont coöperate with New York in "any judicious plan" for linking the Great Lakes with the Hudson, and in turn, with the Atlantic. Such a plan would delay the work indefinitely. The fleeting references by Tompkins to this great project follow:

> It will rest with the legislature, whether the prospect of connecting the waters of the Hudson with those of the Western Lakes and of Champlain, is not sufficiently important to demand the appropria-

tion of some part of the revenues of the state to its accomplishment, without imposing too great a burthen upon our constituents. The first route being an object common with the states of the west, we may rely on their zealous coöperation in any judicious plan that can perfect the water communication in that direction. As it relates to the connecting the waters of the Hudson with those of Lake Champlain, we may with equal confidence, count on the same spirited exertions of the patriotic and enterprising state of Vermont.

It was now obvious that the inland waterway, destined to make New York the center of wealth and the greatest seaport in the Western World, would be delayed while Van Buren and Tompkins played politics with the Canal. Meetings of merchants were held throughout the State to force them to action. The meeting held in New York City led to Clinton's political restoration. This gathering, one of the most important assemblages of men of affairs held in years, was presided over by William Bayard. Resolutions were adopted favoring the construction of the Canal, and directing Clinton to draft and present a memorial to the Legislature.

This sent Clinton to Albany in a dual capacity: as Canal Commissioner and agent of the New York merchants' meeting. As an official, Clinton, in dealing with politicians, displayed a hauteur in speech and manner that made him enemies. The average politician, unless Clinton knew otherwise, was to him corrupt or potentially corrupt. But in this new rôle he was pleading for a project that was his very life. As a suppliant Clinton won the hearts of the new members, and restored friendships broken in the fight for place.

As a result of Clinton's mission all the old laws referring to the Canal were repealed, and one of Clinton's device was passed entitled: "An Act to provide for the internal navigation of this state." And the Patroon, and Clinton, and three other friends of the Canal were appointed to the new Canal Commission which possessed adequate powers.

In the elections the Republicans won by large majorities, capturing more than two-thirds of the Assembly seats. Van Buren was returned to the Senate, and Tompkins and Tayler were reëlected Governor and Lieutenant Governor. Tompkins, too, was to be the Republican choice for Vice President, the Vir-

Albert Gallatin
From the painting by Chappel

ginia Dynasty having decided on him as the running mate of Monroe. This meant that Tompkins would resign as Governor sometime before March 4, 1817, as even the most sanguine Federalist conceded the election of the Republican ticket.

Clinton was being hailed as the coming man in the State. The Canal was restoring him to the high place he had held before the war. Van Buren was growing weary of it all. He was not yet thirty-four, and was without a peer among the younger lawyers. Tompkins, who had started the fight on Clinton a year ago, had yielded to the public clamor, thus paving the way for Clinton's return to public favor. Why should he bear all the kicks? He could make more money practicing law, unencumbered by the offices of State Senator and Attorney General, and the hatreds these places were making for him. He discussed it with his wife, and with his friends. None outside his family took him seriously when he talked in this way. His prospects in the political arena were too alluring: he could not mean what he said. But he had fared well in a worldly way. He had his own carriage. As Attorney General he received $5.50 a day, and a little more than half that as a Senator for each legislative day. In addition, he received traveling expenses and other perquisites. But these were poor returns for the work performed. The game was not worth the candle. He would resign at the end of the next legislative session and find peace and ample remuneration in his profession.

One day as he was preparing to leave Schenectady, where he was on business, he found Aaron Burr at the hotel inquiring for a conveyance to Albany. He offered Burr a seat in his carriage. While driving to the State Capital, Burr, who had drunk deep of the dregs of the bitter cup, was indulging in his usual satirical observations on men and things. Suddenly he changed his tone and began to speak in high terms of Van Buren's political future. What was Van Buren's ambition? Van Buren astonished him by answering that he intended to quit politics and practice law exclusively. Why? After listening to his reasons, Burr meditated awhile before pronouncing this dictum:

"Sir, you have gone too far to retreat! The only alternative left to you is to kick or be kicked; and as you are not fool enough to prefer the latter, you will not resign!"

Van Buren did much kicking that fall, and for many winters,

and summers, and springs as yet unborn; and he received many kicks in return. Time and again he would renew his resolve to start a new life with the coming of spring. But the words of Burr always proved prophetic, even when his tortured spirit was crying aloud for the peace of private life. The peace for which he thirsted was not to be his while life lasted.

CHAPTER XVIII

The fall term of court in 1816 was held in New York City. A small dinner was given in the last week of October by Senator Barker in his home on Beekman street. Van Buren and his friend Smith Thompson, of Schenectady, Chief Justice of the Supreme Court, were invited. Another jurist attending the dinner, who also lived at Mrs. Keese's boarding house, was Joseph C. Yates, later Governor of the State. So far as any of the three of them knew, the only other guest was to be Ambrose Spencer to whom Barker had been greatly devoted for years.

Sauntering up Broadway Van Buren asked Yates and Thompson whom they expected to meet at Barker's besides Spencer. Knowing that Van Buren must have something in the back of his head to put the question, they mentioned several names. To all their guesses Van Buren muttered a no, and then he named De Witt Clinton. Both Thompson and Yates chorused: "Why, Spencer is to be there!" "That's the very reason!" exclaimed Van Buren, who saw no other purpose for the dinner.

They had not heard of any change in the strained relationship between the distinguished brothers-in-law. It was Van Buren's surmise that Barker was trying to effect a rapprochement. De Witt Clinton was growing in popular favor. And Clinton was an amateur in pulling wires compared with Spencer or Van Buren. Before reaching Barker's home Van Buren outlined his suspicions: Spencer was indispensable to Clinton; Barker was a friend of Spencer and Clinton before he was a politician; and now he was playing the rôle of peacemaker.

Knowing the brothers-in-law, all agreed that the overtures for peace would have to come from Spencer. Clinton was too obstinate to yield first. Then, too, he was now penniless, and his inordinate pride was magnified by his poverty. It was only fitting, therefore, that Spencer should make the advances.

As they entered Barker's home the only guest who had arrived was Clinton. He greeted all three of them most warmly. Van

Buren, who had been a Beau Brummel ever since his boyhood lecture on the importance of dress from his first preceptor, the courtly Francis Silvester, was struck by Clinton's plain and careless attire. He had just come in from his country seat.

A few moments later Spencer entered the room, bringing an atmosphere of embarrassment with him which all felt. There was no look of recognition by Clinton. Spencer, older and wiser, took no notice of his brother-in-law's failure to greet him. At dinner neither Clinton nor Spencer addressed the other directly; but they conversed through the medium of the other guests. Their remarks on these occasions were in noticeably conciliatory tones.

Some days later Van Buren learned that Clinton and Spencer met again that same evening at the home of Dr. John A. Graham, another mutual friend, and renewed their old relations.

On the Friday following, the first of November, Thompson told Van Buren that although court would not adjourn until the morrow, Spencer had taken leave of his fellows on the bench at the noon recess with the explanation that he was leaving for Albany in the afternoon.

Van Buren needed no other word. He was opposed to the return of Clinton to power. He instantly packed his trunk, called his carriage, and was driven posthaste to the steamboat landing.

As he had anticipated Spencer was on the boat. Clinton was with him. He had not counted on this. Clinton disembarked at Newburgh to return to his country house. Spencer invited Van Buren to a private talk in a cabin on the after deck. Now, thought Van Buren, Spencer would lay all his cards on the table. He did. Spencer proposed that Thompson and Clinton be named Presidential Electors-at-Large, Van Buren to say which should take rank. He pledged that Clinton would vote for Monroe for President and Tompkins for Vice President.

Van Buren had expected all this. He knew, when Thompson told him that Spencer had suddenly headed for Albany, that the sole purpose of the trip was to canvass the Republican members of the Legislature who had been summoned to meet on Tuesday to choose the Presidential Electors.

Spencer was moved almost to irritation by Van Buren's refusal. He declared that Van Buren's unwillingness to confer a mere formal distinction of this character on Clinton betrayed a

violence of factional feeling that he had not expected from him. Van Buren quietly replied that he would not be adverse to conferring the honor if he were not convinced that this was Spencer's opening move in an effort to make his brother-in-law Governor when Tompkins would resign to take office as Vice President on March 4. Van Buren had divined his intentions. Van Buren added that Spencer would consider him weak indeed if he did not oppose this preliminary move to promote Clinton to the Governorship.

Spencer ignored Van Buren's observations and turned the conversation back to the main question, again urging him to agree to Clinton's election as a Presidential Elector-at-Large. He was rapping his snuffbox excitedly as he perceived that he was not making headway. The interview was brief and ended amicably. Not until the boat neared Albany did Spencer make any further reference to the subject. Once more he vainly sought to obtain Van Buren's consent.

This was one of the busiest week-ends in the lives of Van Buren and Spencer. They called on every Republican in Albany, Spencer appealing for pledges for Clinton, and Van Buren imploring that Clinton be kept off the Electoral ticket. Frequently one would be in the room of a legislator when the other called. Whichever happened to be the unintentional intruder would gracefully retire.

On Monday, the day before the Electors were chosen, the Republicans, observing the ancient usances, met in caucus. Spencer encountered Van Buren shortly before this decisive meeting, and after giving him a pinch of snuff, boasted that he had a majority of twenty for Clinton. Van Buren knew that if the legislators were left to their own wishes there would be more than a majority of twenty for Clinton; but he had wielded the party lash in his informal interviews, and intended to apply it with even greater severity in the caucus.

Van Buren replied to Spencer's boast by asking if he would be in the Senate chamber on the morrow when the Electors were duly chosen in accordance with law. Spencer replied that he would.

When the caucus was organized, Van Buren made two motions: first, that each Congressional District name an Elector; second, that the two Electors-at-Large be selected from the

Southern and Western Senatorial Districts. There was no objection to either proposal. Samuel Chipman, of the Western District was unopposed. Clinton and his rival, Henry Rutgers, were both from New York.

Clinton's friends in the caucus were not concerned, for Rutgers was comparatively unknown outside of the city. They were relying on votes from the Eastern, Western, and Middle Senatorial Districts to offset the almost unanimous vote that they knew would be polled in the Southern District for Rutgers, or more precisely, against Clinton.

Van Buren was a master of surprise, which is the very essence of intrigue. After the peaceful choice of the district Electors, Van Buren moved that the members from the Western District select one of the Electors-at-Large and the representative from the Southern District elect the other Elector-at-Large.

Instantly every Clintonian in the room was on his feet denouncing this manifestly unjust proposition. How could Van Buren, in fairness, propose that Electors-at-Large, representing the people of the entire State, be chosen by members from a single district? The Southern District was almost a unit against Clinton. Why this mockery? Violent speeches by the score were made condemning the unjust and unfair motion. The Clintonians offered an amendment for the election by ballot of the Electors-at-Large by the entire State.

Van Buren's friends sat silent. They wondered how their leader would meet the just, albeit caustic and frenzied criticisms of his motion.

When the Clintonians had spent themselves, the object of their invectives took the floor. His first remark put the Clintonians on the defensive: they should have shown him the common courtesy to explain the motion before they had so grossly assailed it and him. The rumbling ceased. Perhaps they had misjudged him. Then he indulged in subtle, fallacious arguments to show how unfair his critics had been. All he desired was a vote on his proposal to test Clinton's strength. If carried, it would mean that the meeting did not want Clinton as an Elector-at-Large; if defeated, he would submit to the wishes of the majority and accept Clinton. What could be more fair? Let the test be taken, not by ballot but by a *viva-voce* vote.

This proposal was fair on its face; but Van Buren knew that if the caucus voted by ballot, which would enable all present to vote secretly, the promises made to Spencer could and would be kept, and Clinton would be chosen by a majority of twenty. But by calling the roll and making each one vote in the open, as he proposed, he was confident that there would be enough weak sisters to switch to Rutgers. And thus he argued.

Ordinarily he would not object to voting by ballot, although it was preferable that one should always vote in the open. No one could doubt that when all present were elected, the constituencies which sent them to the Legislature were decidedly opposed to Clinton. And if they were to choose Clinton as an Elector-at-Large, without consulting the people, there would be great excitement throughout the State and the people would think that the Legislature had stolen a march on them and the party; and in justice to the members who wanted to avoid suspicion of betraying their constituents or their party, he wanted each man to do the manly thing and vote in the open so that those who were opposed to Clinton could be saved from the consequences of the acts of others.

There was more in the same strain, and Van Buren's appeal to the fears and interests of his hearers was successful, and the caucus sustained him. Rutgers was elected the following day. But Spencer was not in the Senate as he had promised. He saw Van Buren later and told him that the fight had only begun, and that it would not cease until Clinton was Governor. Van Buren accepted the gage of battle.

Spencer could not but admire the manner in which Van Buren had defeated Clinton. It was grossly unfair, but it was within the rules, and, moreover, masterly. He was learning. There was everything to fear from Van Buren in a caucus, where each representative was dependent upon the whim and caprice of Van Buren for the passage of his legislation. He was invincible here.

It occurred to Spencer that five years back, when Clinton was in the saddle and the controlling genius of the caucus, the Tammany men had sought to abolish this system of nominating State officers, and to substitute therefor the convention method. Their arguments were unassailable. In a legislative caucus voters in districts represented in the Legislature by partisans of opposing

faith, had no voice whatever in the nomination of the Governor and Lieutenant Governor. This was emphasized by the Tammany men in pleading for a State convention. But Clinton, unwilling at the time to disturb his absolute sway, had turned a deaf ear to his factional opponents. Now, with Spencer directing things, the demand for abolishing the undemocratic caucus was revived.

The Spencerian plan for a State convention provided that in counties represented in the Assembly by Federalists, the Republicans, at their town primary meetings, were to elect delegates, and these, in turn were to select from their number a quota equal to the county's representation in the Assembly. These secondary selections were to sit with the Republican members of the Legislature in the proposed convention, and have equal voice with the lawmakers in nominating the candidates for Governor and Lieutenant Governor.

The Tammany men, who were comparatively few when they raised the cry, and almost entirely without allies outside of New York City, could not now turn their backs on the proposal they had advanced with such persistency when Clinton was supreme.

The Clintonian leaders everywhere talked nothing but State convention and Clinton. Foremost among them was Joseph C. Yates, a member of the Supreme Court, who carried the message on his circuit. Within two months the State was converted to the convention system.

By the time the Legislature reassembled for the regular session which began January 14, Van Buren realized that his only hope lay in some adroit handling of the convention. The legislators who had voted against Clinton for Elector-at-Large saw the handwriting on the wall and were apprehensive. The voters wanted a State convention—and Clinton.

Van Buren turned to Tompkins for help. But Tompkins, who would be inaugurated Vice President of the United States on March 4, was thinking of still higher honors, and had washed his hands of the factional contest. Van Buren must fight alone. He had, in the language of Burr, gone too far to retreat: it was a case of kick or be kicked.

Tompkins was aware that the driving power behind Clinton was the Canal. The country was proclaiming its worth. Tompkins could not hope to fight the people of the nation and still expect to

be chosen their President four or eight years hence. He intended to remain Van Buren's friend, but he had no thought of warring further on Clinton.

The Legislature had been sitting about two weeks, when the machinery for a State convention was set in motion. This was done on Tuesday, February 4, at a meeting in Albany. Resolutions were adopted giving counties represented by Federalists in the Assembly representation in the convention, which would be held in the capital, March 25.

The Clintonians, emboldened by the desertion of Tompkins, set out to capture the Council of Appointment, and succeeded at the caucus of Republican Assemblymen on February 13. The Senators chosen from the Middle, Eastern, and Western Districts were adherents of Clinton. Only in the Southern, where the Tammany men controlled, was an anti-Clintonian elected to the patronage dispensing machine. This could have been prevented by Tompkins, to whom Van Buren appealed in vain. Clinton was again in full control. But Van Buren did not concede defeat. He labored unceasingly to stem the Clintonian tide. He induced Judge Yates, friend and advocate of Clinton, to be a candidate for the nomination against Clinton.

While Van Buren was making preparation to oppose Clinton in the convention, he was hoping that this would not be necessary. He had recourse to a new device. He would persuade Tompkins to serve out his term as Governor after he had been sworn in as Vice President. Van Buren contended that neither the State nor the Federal Constitution prevented him from acting in this dual rôle. Tompkins accepted the contention, but insisted that he could not afford to subject himself to the criticism which such a course would provoke. A few days before March 4 Tompkins resigned, and Lieutenant Governor Tayler automatically succeeded as Governor until a successor could be elected.

Van Buren next resorted to another artifice. Under the State Constitution of 1777, still in force, the Governor was elected for three years, his term beginning on the first day of July succeeding the April election. Tompkins had been elected in the preceding April, and his term would not expire until noon of July 1, 1819. Van Buren now advanced the theory that Tayler was Governor *de jure* until the end of the period for which Tomp-

kins had been chosen. He cited in support of his proposition the second clause of Article XX of the State Constitution which reads: "And in case of the impeachment of the Governor, or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor absent, or impeached, shall return, or be acquitted."

The Clintonians answered with the first provision of Article XVII which reads: ". . . the supreme executive power and authority of this state shall be vested in a governor, and that statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder shall be, by ballot, elected . . ."

Van Buren, who had advanced the proposal in his desperation, abandoned it, and strove to hold steadfast his majority of partisans in the Legislature, for by hook and crook he had rounded up the bulk of the Republicans as convention time neared. He planned to exclude all representatives chosen at the primary meetings who were not legislators. There was no law governing the nomination of officials, and he was counting on the precedent of years to support him.

A Senator he tried hard to win over was Peter Swart, a placid Dutchman of the old school and a distant kinsman of Van Buren. Swart spoke English with a pronounced accent. Van Buren, when excited, also showed a trace of the mother tongue. Swart was fond of his young relative; but people who thought they could get him to desert Clinton were just "tam" fools.

A few days before the convention Van Buren called on Smith Thompson. Van Buren's fourth child, a boy like the rest, and born on January 16, was named for the Chief Justice. Van Buren told Thompson he suspected that Spencer would persuade Yates at the last moment to decline to make the race. Thompson assured Van Buren that he misjudged Yates.

On the very eve of the convention Yates invited Van Buren to visit his chambers. When the Senate leader entered, Yates said that he must decline to be a candidate. He began to give his reasons, but Van Buren, concealing his indignation, interrupted and said that he need not go to any further trouble. In the same

breath he added that no one would be embarrassed by the withdrawal of Yates as he had the written consent of General Peter B. Porter to place his name before the convention. And without giving the abashed jurist time to utter another word, Van Buren departed. Van Buren was not easily caught napping.

The declension of Yates had a disquieting effect on Van Buren's following. They had seen Clinton capture the Council of Appointment, and knew that Tompkins was neutral. Men who had been pledged to support Van Buren in his war on Clinton began offering the most specious excuses for their contemplated desertion. The Tammany men alone remained faithful. They were wrathful at the very suggestion of the possibility of Clinton's nomination. Senator Darius Crosby, speaking for the organization, asked Van Buren to bolt the convention if the Clintonians mustered a majority, and nominate Porter in a convention of their own. Van Buren replied that if they were to retire merely because they were outnumbered they would go the way of other disgruntled factions. His advice was: submit to the decision of the convention and bide their time. He was convinced that Clinton would let Federalists influence his administration. This would alienate the Republicans who now made him a power. Of course, if the Clintonians committed a palpable outrage, such as rejecting properly elected delegates, he would bolt, and appeal to the electorate through the nomination of Porter. Van Buren by this time was forced to give up all thought of trying to exclude delegates who were not legislators. He appreciated the situation as beyond his control: why fight Fate?

No outrages were committed by the Clintonians. They elected Van Buren's kinsman, Senator Swart, chairman. Clinton was nominated on the first ballot, the vote being: Clinton, eighty-five; Porter, forty-one. The delegates voting included ninety-three legislators, of whom Clinton had sixty; and of the thirty-three civilians, twenty-five were for Van Buren's foe.

The following day the Tammany men appealed to Van Buren and asked him to join with them in nominating Porter. They called on him when he was thoroughly disgusted with politics, politicians, and political intrigue. He gave them short answers, and they left him in high dudgeon.

Outside of New York City there was little opposition to

Clinton. There Tammany voted for Porter, and printed his name on ballots which they sent to their allies up-State, where they received but small help. The Federalists did not hold a convention: they supported Clinton in the general election. And Clinton, as his contemporaries put it, may be said to have been elected without opposition.

CHAPTER XIX

One of Clinton's first public acts as Governor was to convene the Council of Appointment in special session on August 27. Two Tammany men were removed from office. Clinton assigned no reason, but allayed the fears of thousands of office holders by announcing that there would be no general removals: it was high time that public office ceased to be a pawn in politics.

Unknown to the public, Clinton did a generous thing: he sent the Adjutant General of the State, Solomon Van Rensselaer, whom he met at the Battle of Queenstown, on a peace mission to Van Buren. Van Rensselaer told Van Buren that there was nothing unfriendly in the Governor's feelings toward him, and that it was Clinton's hope that they could get along amicably. Van Buren responded that he reciprocated these sentiments with much cordiality, and begged Van Rensselaer to say that all he asked of the Governor was an administration which would satisfy all that he desired to sustain the Republican party. It was Van Buren's turn to go further and call on the Governor; but this he did not do. He even remained away from the inaugural ceremonies in accordance with a pact with Smith Thompson, who, next to Van Buren, was the leading anti-Clintonian of the State. Thompson, without informing Van Buren of any change of mind, attended Clinton's inauguration, and there was considerable comment over Van Buren's absence. Thompson never volunteered an explanation, and Van Buren sought none.

The first actual work on the Canal was done this summer. And when the fall came Clinton issued a proclamation setting aside Thursday, November 13, as a day of thanksgiving and prayer. This feast had been traditional in the New England States since the landing of the Pilgrims; but it had been attempted only once in New York, in the year 1795, when Jay was Governor. Jay's opponents denounced the proclamation as a bid for the support of the clergy, and a violation of the spirit of the State Constitution, which was so pronounced in the policy of the

separation of church and state that Article XXXIX voiced the democratic doctrine that "ministers of the gospel are, by their profession, dedicated to the service of God and the cure of souls, and, therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence of description whatever, be eligible to or capable of holding, any civil or military office or place within this state."

No one revived the captious cry which had greeted Jay some two decades earlier, and the custom spread until it embraced the entire country.

Clinton's first six months were peaceful. But it was apparent when the Legislature convened on January 27 that it was to be war to the knife between him and Van Buren. Hammond, no longer a member of Congress, took his seat in this Senate. It was not long before he found Clinton "cold, if not vindictive, towards Mr. Van Buren and others, who had opposed his elevation." Van Buren and his followers "reciprocated these feelings and were filled with determination to excite prejudices and jealousies against the governor, to render him unpopular with the Republican members of the Legislature, and to embarrass him in the discharge of his executive duties, and thwart him in his measures."

All the Tammany legislators, with the exception of Cadwallader D. Colden, were openly and persistently hostile to Clinton. In the Assembly, the Tammany leader was the brilliant Michael Ulshoeffer, lawyer, writer, and jurist. Ulshoeffer it was who denounced the Governor's speech in the Legislature as a "remnant of royalty," and demanded that the Republican method of communicating with the two houses in writing be adopted. The seed sown by this son of a Hessian soldier who deserted his regiment at Trenton took root, and eventually Presidents, as well as Governors, printed their annual messages which were read by the clerks of the local and national law-making bodies. It was not until our own time that the "remnant of royalty"—the speech from the throne—was revived.

On the first day of the session Clinton had majorities in both houses. Before the Legislature was twenty-four hours old, Van Buren's magic had changed these majorities into minorities. He began with the Assembly. Here he labored with the aid of the older members who remained loyal to him to elect a Council of Ap-

pointment secretly opposed to Clinton. To Van Buren the control of this body meant more than patronage: it meant that "those who feed men, and enjoy the privilege of dispensing the public bounty, will in a greater or less degree, influence and control them." The phrase is Van Buren's, and was voiced in the State Constitutional Convention September 6, 1821.

Only one avowed anti-Clintonian was elected to the new Council of Appointment. He was Peter R. Livingston, of the Southern District, the choice of Tammany, and he embodied the combined prejudices and hatreds of his family and his organization for the Governor. The three up-State districts elected men with the Clinton label: Henry Seymour, from the Western; Hammond, from the Middle District; Henry Yates, Jr., from the Eastern District.

Yates was a brother of Judge Yates. Van Buren had secretly contrived his election. It was Van Buren's intent to work on Yates by confiding in him that he still hoped to make his brother Governor. Hammond was so unswervingly Clintonian that his presence on the Council disarmed suspicion. Seymour, father of New York's Civil War Governor, was merely an acquaintance of Van Buren: this was the general understanding. After Seymour's selection Van Buren wrote to Billy Van Ness—they were again friends:

"All is safe. Seymour! Seymour! Seymour!"

To begin with, Van Buren had Livingston and Seymour. Yates would follow soon, and with these three he would render Hammond and Clinton powerless in the Council.

After the council was chosen the Senate was presented with a contested election on all fours with the Hen. Fellows *vs.* Peter Allen case in the Assembly two years ago. In the Eastern District in the preceding election there were two contests: one for a full term of four years and another for a short term of one year. Dr. Jedaiah Prendergast received a total of fifteen thousand and eighty-six votes and Isaac Wilson fifteen thousand and nine votes. Wilson was elected to the short term, and Prendergast to the long term. But Van Buren decided otherwise because Prendergast was a Clinton man and Wilson was a Van Burenite.

This theft of a four-year term was achieved with the aid of the Bible. Among the ballots cast for Prendergast were ninety-

one written Jedidiah Prendergast, and ten where the voters abbreviated the given name to Jed. Forty-two voters who had either misspelled or abbreviated the first name, swore before the Senate investigating committee that they had voted for Dr. Jedaiah Prendergast. Testimony adduced that there was no Jedidiah Prendergast in the district. Some of the witnesses who had abbreviated Dr. Prendergast's first name to Jed. further testified that they had never heard of the name Jedidiah.

An able coadjutor of Van Buren in the Senate was Samuel Young, former Speaker of the Assembly. He was versed in the Bible, and after the friends of the Governor asked that Dr. Prendergast be given the full term, Senator Young rose and demanded if they wanted to fly in the face of Holy Writ. Had they not heard the Scriptures say: "And he sent by the hand of Nathan the prophet; and he called his name Jedidiah, because of the Lord." Let those who questioned consult the very verse he had just read to them: the doubting Thomases would find it in the twelfth chapter of the Second Book of Samuel, verse twenty-five. No one save an infidel would agree with the witnesses who swore that they had never heard of Jedidiah, the other name for the wisest man of all time.

Van Buren and his brother-in-law Cantine, and three of the four Senatorial members of the Council of Appointment, voted with the majority who pretended to be swayed by the Scriptural citation of the sanctimonious Young. Van Buren's other kinsman, Senator Swart, voted with the Clintonians. Hammond, alone of the council, voted against this fraud. There was no longer any doubt that Van Buren was Clinton's master in the Council of Appointment. The last council was controlled by Clinton, and Van Buren was not removed as Attorney General through the grace of the Governor. He need no longer fear his foe, at least for another year.

Hammond, because of his talents and inclinations, was acquainted with many in the State who were of scholarly bent. One of these was the youthful John C. Hamilton, a son of Alexander Hamilton. Hammond learned that young Hamilton wished to be appointed a commissioner of deeds. There was a little honor, and some small fees in this office. Hammond had to make a personal appeal to each of his associates on the Council of Appointment,

Mrs. Martin Van Buren
After an engraving by J. C. Buttre

from the Governor down, before he could obtain this pittance of a job. Clinton was timorous of appointing Federalists: the Van Burenites were constantly proclaiming that he was secretly allied with them.

On February 15 Van Buren threw politics to the four winds and hurried to Kinderhook where his mother was seriously ill. He reached there in time. She had been grieving since the previous April, when Van Buren's father passed on. Beside him sleeps his wife. Two pieces of Parian marble mark their places of rest in the village cemetery. On one of them Van Buren had carved:

Sacred to the memory of Mrs. Mary Van Buren, relict of the late Capt Abraham Van Buren; she died on the 16th day of Feb. AD 1818 in the 71st year of her age.

Her long life was adorned by domestic virtues of the most useful kind. The early profession of the religion of a crucified Jesus which she made she sustained to the end with that undeviating fidelity which proved its foundation to have been laid in the heart. And her life and conversation characterized her piety by bringing forth abundantly fruit meet for repentance.

Earth has an overcoming power,
It triumphs in the dying hour
Christ is our life, our joy, our hope,
Nor can we sink with such a prop.

Van Buren did not take his wife with him to Kinderhook, although she had wanted to go. He had not been pleased with her own health ever since the birth of their last child. She had a cough that stayed with her, and he took extra precautions to keep her indoors during the cold weather.

The session ended on April 21. The rivalry of the Van Burenites and the Clintonians consumed more of the attention of the lawmakers than did the affairs of State. Clinton attempted reprisals by proposing a legislative investigation of the manner in which banks had obtained their charters. The Assemblymen, who are elected annually, did not dare oppose the measure. But in the Senate Van Buren rallied a majority against the inquiry. He was personally clean; but many of his colleagues were not. The boys must be protected.

The restrained language of the Assembly report hints at

the real menace of the political banking system of the times. "Their [the bankers'] influence too frequently . . . assumes a species of dictation altogether alarming . . . Senators and members of the Assembly will be indebted to the banks for their seats in this capitol, and thus the wise ends of our civil institutions will be prostrated in the dust by the corporations of our own creation." The same horrible truth could be said of the seats in Congress. But it remained for Van Buren to say it and to destroy the evil.

There had been much talk during the session in the rooms of the members of the need of following the example of other States and abolishing the property restrictions on voting. Van Buren frowned on all this red republicanism. Six days after the Legislature adjourned he wrote to his friend Gorham A. Worth: "We have had brought upon us a greater degree of rampant Jacobinism than ever this State was cursed with." Worth, a former Albany banker, was now the cashier of the Cincinnati branch of the United States Bank, which had been rechartered during Madison's administration. He was a warm admirer of Clinton.

In the April elections the Republicans held their ground in all counties save one. And a vast majority of the Republicans were Clintonians. In Rensselaer, William L. Marcy, journalist, Recorder of Troy, and later Governor and United States Senator, nominated his own ticket when the Clintonians outvoted the Van Burenites in the county convention. The result was a Federalist victory. Marcy, who always worked with Van Buren, was removed from office by the Council of Appointment at its next sitting on a charge of party treachery.

The Van Buren factionists were being designated Bucktails, an appellation originally applied to the partisan foes of Clinton in Manhattan. In the early days of Tammany, its meetings were held subject to calls published in the daily press. On patriotic occasions the calls—we are quoting from one in the *American Citizen*—would end with: "Each member will wear a Buck's tail in his hat, the distinguishing badge of Tammany, in honor of the day." Thus, through the press, the people who had never seen a Tammany celebration, knew that the buck's tail was the badge of "the sons of Tammany"—a phrase also used in the official

announcements. Van Buren, although not a member of the organization, was the Bucktail leader of the state.

He was getting his fill of State politics, and was looking for some way out. He could not expect to continue as Attorney General after the first or second month of next year unless he made his peace with Clinton, which he had no intention of doing. The Governor's friends were certain to control the Council of Appointment, as most of those who had deserted to Van Buren were denied renominations in the up-State Republican strongholds and men of unquestioned loyalty to Clinton named and elected in their stead. He could not repeat his strategy of the session past: Clinton would prevent it.

The cry of the Bucktails was that Clinton was truckling to the Federalists. Van Buren himself was guilty of the very political crime he laid up to Clinton. But he managed to keep his offense dark.

On November 9 Smith Thompson ceased to be Chief Justice of the New York State Supreme Court upon his appointment as Secretary of the Navy. When the Cabinet place was offered him by Monroe, he asked Van Buren's advice before accepting it. Thompson's elevation left a vacancy on the State bench. On Christmas Day, Thompson, anxious to advance Van Buren to the Supreme Court, wrote that the Federalists would be for him "if they can't get one of their own." Van Buren was the second choice of the Federalists!

From this letter it is evident that there was more than mere talk in the whispered story that Van Buren was secretly committed to the reëlection of Rufus King as United States Senator, whose term would expire on March 4. After asking Van Buren who would be the next Senator, Thompson wrote:

"The great object you ought to keep in view is to avoid the least semblance of an understanding or bargain with the Federalists. This is the rock on which Mr. C[linton] is to split." Thompson also warned him not to let the Legislature reappoint King as "it would disarm you of the most powerful argument you have against your adversaries—Federalism and Federal coalition."

Van Buren and Marcy were secretly plotting to reëlect King, who owed his seat in the Senate to the defection of corrupt Re-

publicans who had been bribed by Southwick and Thomas. Yet the legislators on arriving in Albany for the session of 1819 were greeted with the canard that Clinton was for King.

The first matter of importance was the election of a Speaker of the Assembly. Van Buren was for William Thompson, of Seneca County. Thompson's chief recommendation was a violent hatred of Clinton. The day before the opening of the Legislature the Republicans caucused. The Bucktails were there to the last man. The Clintonians were not fully represented, and the minority faction outvoted them. Too late the majority faction discovered that every Bucktail in the Assembly was present. Van Buren had issued orders directing his followers to be on hand. The Clintonians had taken no such precaution, trusting to the law of averages to equalize the absentees.

Under caucus rules, the minority is bound by the vote of the majority. In this case the numerical strength was obtained through trickery, and the Clintonians refused to abide by the result. Obadiah German, whom we have met as a member of the United States Senate in 1812, was their candidate for Speaker. There is no gainsaying his vast superiority over Thompson; but the Clintonians would have made more capital for their cause by submitting to the decision of the packed caucus. German, as we have seen, voted against the declaration of war and spoke against it. His selection by Governor Clinton was impolitic.

At the organization of the Assembly the Bucktails, of course, voted for Thompson. The Clintonians cast their ballots for German, as did Federalists, and their combined strength—as the Van Burenites put it—defeated the honest choice of a Republican legislative caucus.

Clinton vainly denied that he had bargained with Federals of high or low degree; and circumstances bear this out. The active director of the Federal forces in New York was William Coleman, editor of the *New York Evening Post*. The support given to the Clintonians by the Federalists was in accord with a plan outlined by Coleman, a little more than two years before, in a confidential letter to Charles Miner, a journalist of Philadelphia. "Generally speaking," wrote Coleman, "I feel disposed, in common with the leading Federalists here, to stand perfectly still, and wait for events to happen, as Jefferson says, we know not

when. Something may come from the quarrels of opposite sections of the Democratic factions, and I think the most we can do is occasionally to *fan the embers.*"

Acting in accordance with their policy of fanning the embers, the Federalists, after the Speakership was out of the way, turned round and helped Van Buren openly by lending him a sufficient number of votes to elect his man Seymour to the Canal Commission, whose members were chosen by the Legislature. The selection of Seymour gave Van Buren control of the construction of the Canal—Clinton's project. There was considerable patronage at the disposal of the commission, and formal notice that Clintonians need expect neither appointments nor contracts was given in Buel's Albany *Argus.* "A majority of the canal commissioners are now politically opposed to the Governor and it will not be necessary for a person who wishes to obtain employment on the canal as agent, contractor, or otherwise, to avow himself a Clintonian."

Common friends of Clinton and Van Buren sought to patch up their differences. The foremost of these was Barker, who informed Van Buren that Clinton was willing to nominate him to the Supreme Court vacancy. Clinton had promised John Woodworth, brother-in-law of the Patroon, to support him for the office. The Patroon and others tried to induce Woodworth to release Clinton from his word, but Woodworth remained obdurate. Clinton kept his word and appointed Woodworth.

Barker did not give up hope. He next proposed that the membership of the Supreme Court be increased by two additional justices, and give Van Buren one of the new places. This proposal met with the objections of the five Supreme Court justices, and was abandoned. Clinton had frankly hoped that by elevating Van Buren to the bench, his troublesome foe would be removed from the arena of politics. Van Buren was not averse to the proposal: he was more tired than ever of political management.

As in the February past, Van Buren made a journey through the snows to Kinderhook. This time his wife was with him. There was no further need of protecting her from the cold of winter. On the sad ride to the village where they had been born, Van Buren must needs recall another February day, only twelve years back, when he and Jannetje—as he always called her

—set out through the snows to be married in Catskill. And his tribute to her memory is carved on her headstone: "Sacred to the memory of Mrs. Hannah Van Buren, who departed this life on the 5th of February, A.D. 1819 in the 36th year of her age. She was a sincere christian [*sic!*], dutiful child, tender mother and most affectionate wife; precious shall be the memory of her virtue."

The loss of his wife was the great tragedy in Van Buren's life. He was devoted to her, and no other woman ever filled the void in his affections. Her passing embittered him. He did not return to Albany for days, although the session was in full swing, and there were plots and counterplots afoot. He remained in Kinderhook among the scenes that were now hallowed by the memories of his parents and his wife.

On Saturday, February 12, he was still in the little village. A letter written the evening before by his brother-in-law, Cantine, told him all that had happened in his absence. One bit of gossip was that the Council of Appointment had met and removed him as Attorney General. This evoked a contemptuous sniff from Van Buren. On his return to Albany he learned he had not been removed. His removal had not even been considered.

Few of the Bucktail legislators were in their seats during the last week of February. Andrew Jackson was visiting New York. Van Buren had seen the hero of the Battle of New Orleans on his first visit to Washington after the short session of Congress convened in December, 1815. Van Buren would have liked to be with his Bucktail braves, but sorrow and legislative routine held him in Albany.

The Bucktails, to the last man, were at the dinner given to Jackson in Tammany Hall on Tuesday evening, February 23. The freedom of the city had been presented to the Tennesseean in a gold box. Tammany hoped that the presence of the hero of New Orleans in their Wigwam would destroy what support was left to Clinton on the island of Manhattan and weaken him elsewhere in the State.

The Bucktails were jubilant as Jackson sat down to their festal board. They had outstripped Clinton. They were entertaining the hero. And when the wine had flowed long, the toast to the guest of the evening was given: "To General Jackson; so long as

the Mississippi rolls its waters to the ocean, so long may his great name and glorious deeds be remembered."

Amid loud huzzas and maudlin shouts, Jackson rose to respond to the toast. Confusion to Clinton and all other foes of Tammany! Some such sentiment would Jackson voice. The Bucktails beamed as Jackson raised his glass. They were also standing, glass in hand. Presently in tones which warriors had heard above the din of battle the hero of New Orleans pronounced the response:

"De Witt Clinton, Governor of the great and patriotic State of New York!" For a moment there was deadly silence. Jackson alone drank the toast. As he emptied his glass the Bucktails crashed their wine-filled glasses to the floor. Threats and imprecations were heard above the din. While the pandemonium was at its height, Jackson, irate and defiant, left the banquet.

Jackson was a snake in the grass, and his name became a thing to sneer at in the inner circles of the Wigwam. The incident gave rise to many verses in the daily and weekly press. One that was copied and recopied by newspapers throughout the country was Fitz-Greene Halleck's "The Secret Mine Sprung at a Late Supper." One stanza reads:

> The songs were good, for Mead and Hawkins sung 'em,
> The wine went round, 'twas laughter all and joke,
> When crack! the General sprung a mine among 'em,
> And beat a safe retreat amid the smoke.
> As fall the sticks of rockets when we fire 'em,
> So fell the Bucktails at that toast accurst,
> Looking like Korah, Dathan, and Abiram,
> When the firm earth beneath their footsteps burst.

After the Jackson dinner Van Buren conceived a plan for uniting the Bucktails and the Clintonians. This called for Clinton's resignation as Governor, and his acceptance of a foreign post. In a jocose way he submitted his terms of peace to Speaker German, Clinton's legislative leader. The old statesman replied in like manner. Van Buren did not expect any serious discussion of the subject then, and let German treat the proposal lightly. He knew that German would realize before long that his jesting tone masked an earnestness, and that Clinton would soon know

what was in his mind. With the Secretary of the Navy and the Vice President his friends, Van Buren had no doubt that they could induce the President to end the factional strife in the State by this simple means.

The Legislature adjourned *sine die* on April 13 without electing a successor to Rufus King. The two factions of Republicans were divided on the Senatorship, as on nearly everything else, the Bucktails supporting Young, and the Clintonians Spencer. The Federalists, of course, were for King, and had high hopes of seeing him reëlected when the next session convened. They were counting on Van Buren; and their enmity to Clinton for restraining his followers from voting for King, was as deep as Van Buren's.

Following his example of the year before, Van Buren, a few days after the lawmakers returned to their homes, sat down and poured out his soul to his banker friend in Cincinnati. This communication to Worth is a dramatic speech wrapped up in a letter. Now Van Buren is the Moor in his last grand moment; and he declaims, in his own fashion: "I have done the state some service, and they know it." Again he is Cassius; but as he speaks his lines, we are reminded at times of Madelon and Cathos. New York must be saved from Cæsar.

There is contempt for Clinton's failure to put down factions, and masked envy for his rival's lettered mind. Peace, as he intimates, can be purchased. But he will not pay the price, as he has not yet learned to eat toad for breakfast. This boast, indirectly made, is not an idle one, for Van Buren never knew fear of man or place. He shows his scorn of Clinton for "stooping to kiss the rod which has chastized him." He does not conceal that it is his intention to destroy Clinton and all Clinton's "supporters, aiders, and abettors." When the Governor is overthrown, Van Buren will attend to the Virginia Dynasty. This will be done by pursuing a course which "will give New York her due weight in the union."

This document is all Van Buren. Nothing else that he has written shows so much of this rare man as he really was. In it he lives again. No alien hand has polished his punctuation, changed his orthography, corrected his mistakes in grammar, clarified his

obscurities, or emended his misquotations. The letter as it left Van Buren's hands, follows:

Dr Worth

Your last epistle on the subject of New York politics has served only to add demonstration to my previous conviction that you are totally and deplorably ignorant not only of Mr Clinton (I mention him first out of complaisance to you) but of the State, her political interests and the Sentiments and views of her citizens, & that when you meddle at all with politics you are, as I have frequently told you wholly out of your element. This blunt sincerity may not flatter your vanity but that I am not bound to do you good alone is what I wish to promote. A man to be a sound politician & in any degree usefull to his country must be governed by higher & steadier considerations than those of personal sympathy and private regard—I will not suffer your unmerited censures or the *kind reproaches* of your *"Intelligent men from all quarters"* who have so kindly taken our political interests into their secure keeping, to drive me to say of Mr. Clinton what his political demerit would abundantly Justify—his fallen and falling fortunes are calculated to excite other sentiments than those of reproach or exultation and the man who ever for a moment entertained the Idea, that in the opposition which I have been constrained by an imperious sense of Duty to make to him I was actuated by a single inducement of a personal nature or that I ever ceased to regret that his political infidelity had lead & was leading to the frustration of his personal weight & influence in the State, knew nothing of me or my views—Had I the least idea that you was serious in your declamatory remarks upon this subject I would sorely regret that I had been so much misunderstood by a friend who I dearly love and for whose good opinion I have always entertained so high a regard—In the name of all that is decent where is the evidence of that towering mind & those superior talents which it has been the business of myriads of puffers and toad eaters to attribute to him & who with their never ending hallelujahs to his *"Stupendous greatness"* have stunned the public ear & nauseated the public taste—he has spent the best part of half a century in the acquisition of general knowledge & the improvement of his mind, uninterrupted by the necessity of applying to business and I ask again for the evidence of those talents, for opposition to which we are to be burnt as heretics or denounced as Jacobins by *"people of information from every part of the Union who congregate at Cincinnati"*—who utterly ignorant of the State & its political interests and wholly destitute of the means necessary to a correct Judgment have the pre-

sumption to accompany their volunteer opinions with reproaches on the conduct of men whose sole objects are the interests & honor of the State and who can proudly say that they have "done her some service & that she knows it"—That Mr Clinton is a man of *ordinary strength* of mind, of considerable acquirements and that he writes very well is cheerfully conceeded—all beyond is gratuitous assumption & nothing else—when has M^r^ Clinton in times of peril stood forward in the Senate & by the powers of eloquence or even argument sustained the Interests of his country & hushed the clamours of faction, *never*—but you may say that that is not his fort & every man cannot be an orator —when has he originated & carryed through any measure of interest to his country, which required penetration, industry, fortitude talents & perseverance ~~*never*~~, say you but be careful what you say of the Canal. When has M^r^ Clinton when beset with difficulties shewn that presence of mind, that fertility of invention that fortitude in suffering & that vigour and perseverance & controlling & removing difficulties which are the inveriable indicia of a great mind—*never* on the contrary recently when danger pressed and the storm of public indignation howled about him, when a great man of correct views would not have consented for any earthly object to stoop to his political enemies, still less to receive a favour at the hands of him who had contributed most to his overthrow at such a time & under such circumstances "ere he arrived at the point proposed he was heard to cry "Help me Cassius or I sink", and when the fever of apprehension was on him to exclaim "Tirtinius give me some drink like a sick girl"—not only this but he consented to be supported by Judge Spencer who had persecuted him & to be by him held up to the people as *a penitant,* thus stooping to kiss the rod which had chastized him—was this a course deserving the approbation of my high-minded, honorable & spirited friend G A Worth Es^qr^. was it by this *Christian act* of humbling himself that he might be exalted that he became the object of M^r^ Worths Idolatry—If in these things he has not shewn the great man in what has he—I have always understood that under all governments one of the strongest traces of a capable ruler was to be found in the peace & *harmony* of his subjects or citizens—M^r^ C. has not yet been Governor two years and our State is distracted and our councils disturbed to an extent beyond all precedent—speak not of the *tammany men,* they are but a drop in the waters of bitterness—the whole State is in motion—from Montauck point to Buffalo—& from the St Lawrence to the Atlantic one continued sentiment & expression of deep rooted & settled discontent is felt & heard—nor is this confined to the democratic party, the most respectable although not the most numerous of the federal party openly

express their contempt for an administration which has disappointed the hopes of all—how do you account for this, M[r] Clinton came into the government at the most auspicious period—admit that there was a violent party agt him in New York, good conduct & the exercise of only a small portion of his "great talents" would have put that opposition to shame & draw upon them the execration of the community as the causeless disturbers of the public peace & general harmony—has it been so—no but on the contrary as I have before stated every section of the State is filled with reproach & Complaints—his re-election put out of the question—can all this be & yet M[r] Clinton be that sound patriot & great statesman you would make him to be—or are the people of this State those people who sustained the Gen[l] Government during the late war, those patriotic Citizens who never shrunk in the hour of peril, who submitted to all manner of privations for their countries good, who with their characteristic magnanimity in an evil hour consented to blot out a volume of errors & to select as their ruler a man who had so lately forfeited their confidence, are such a people I ask rather than question M[r] Clinton's talents or patriotism to be stigmatized by the "Intelligent men from all quarters who visit Cincinnati" as a lawless race of disorganizers and unprincipled Jacobins—I think not, I highly value the tender solicitude of your citizens for our welfare, their object is no doubt pure but I think they carry it a little too far.

I have always supposed that an other distinguishing trait in a good administration is that it ralleys round the governmental standard the good the virtuous & the capable now it is a fact too palpable to be denyed & which is virtually admitted by yourself that so far from that being the case with us, there is not an Instance on record in which any administration has embodyed in its support so great a number of dissolute, abandoned & broken down politicians as that with which according to you we are blessed—but I have done—I have violated the resolution with which I commenced this letter already—it is not a pleasant subject to me & once for all I must assure you that foolish, wicked & deluded as you and your "intelligent persons" may suppose us to be, we have resolved, irrevocably resolved to drive from power the present State administration & all its supporters, aiders & abettors & that that resolution will be carryed into complete effect is certain as fate that whatever strangers may wish or suggest we value too highly the Interest & honor of a State of which we are Justly proud to be Citizens, to sacrafice them to courtesy, sympathy or any such feeling —we now have for the first time in *ten years all our enemies in front* & we will give them such an overthrow and after that pursue a course

that will give to New York her due weight in the Union and silence the calumny "That her wide walks encompassed but one man" under whose "huge legs" we "peep about" to find ourselves dishonorable graves.

You must not for a moment think that any thing you have said has cooled the ardour of my attachment for you, that is impossible—it is built on too solid a base to be so easily shaken—the beam is in your eyes & you are searching for the mote in mine, there lies all the difficulty—Write me often, make my best respects to M^rs^ Worth and believe me to be your

Firm friend in great haste
M. V. Buren
April 22^d^ 1819

G. A. Worth Esq^r^

N. B. Your friend Dudley will succeed for the Senate over *your friend Jenkins* Remember that this is for your perusal only.
M V B

The Dudley in the postscript is Charles E. Dudley, who, as Van Buren foretold, was elected State Senator from the Middle District a few days later. This letter to Worth is also noteworthy in that it contains more classical allusions than are to be found in everything else that he has written or spoken combined. One source of his strength lay in his knowledge of his limitations.

CHAPTER XX

In the early spring of 1819, a twelvemonth in advance of the triennial gubernatorial election, Van Buren began planning to make it impossible for Clinton to be reëlected Governor. Such pretensions on the part of any other man in the State would have been laughed at by Clinton and his following. But Van Buren was different. He was shattering all precedents. The son of a tavern keeper and small farmer, without family, and unlettered, yet he was the acknowledged leader of men of scholarly attainments and of distinguished ancestry. No one could make the same telling appeal to the mass. His ignorance of books was compensated for by his knowledge of men. To cap it all, he had an invention which made him matchless in intrigue. He could not be ignored.

Clinton's brother-in-law sent a message to Van Buren asking for an interview. Van Buren was to name the place. He chose Spencer's home, and a whole evening was spent in the Spencer library, the door locked to prevent interruptions and vainly the older man made a second effort to effect a truce. As they were about to separate, Spencer mentioned, disclaiming any menace in the reference, that great pressure was being brought to bear upon the Governor to remove Van Buren from the office of Attorney General, solely because he was directing the opposition to Clinton.

Van Buren answered that he would continue to oppose Clinton; that the Governor could not, in fairness, attempt to coerce him into submission by a threat of removal, as the same power which placed Clinton in the Governorship had made him Attorney General; that he had held his office before Clinton was elevated to his high estate. Yet, continued Van Buren, in the practice which had grown up in party control, the principle advanced by Spencer had resolved itself into an academic abstraction. Van Buren approved it, adding that if their positions were reversed, he would probably remove Clinton. Moreover, ever since Clinton

had had it in his power to replace him, he had looked upon the loss of the Attorney Generalship as an inevitable consequence of his opposition to the Governor's reëlection.

Spencer replied that although they had not accomplished anything, their conversation could not fail to infuse a milder tone into the future differences.

During the first week of July the Council of Appointment was sitting in New York. German was there. Van Buren met German on his return from the city. He inquired if a new Attorney General had been named. No action had been taken yet, answered German, voicing the hope that he could persuade Van Buren to end the factious strife which was embittering the party. Van Buren responded in most serious fashion, that he would apply to Washington for an ambassadorship for Clinton if he would accept it and retire from State politics. German had evidently repeated Van Buren's earlier conversation to the Governor, for he immediately responded with an unequivocal "No! No!"

The suggestion that a Governor resign his office, quit his State and country, coming from a member of the Legislature who held an exalted State office at the pleasure of the Executive, moves us at once to amazement and admiration.

When Van Buren heard German's refusal, he delivered an ultimatum: Clinton must submit to banishment to a foreign post or fight. He gave German his reason: a truce between him and Clinton was impossible because it would spell public discredit to both sides; the people would suspect a bargain. If Clinton was unwilling to accept the offer, it would be war without quarter, to end only after one side was destroyed.

Clinton was sitting with his Council of Appointment in New York when Van Buren's uncompromising attitude and fantastic proposal were retailed to him. This was July 8. Immediately Van Buren was removed. The new Attorney General was Thomas J. Oakley.

Oakley was a lawyer of note, a Federalist, and high in his party's councils. His selection would serve as a counter to Van Buren's intrigues with Oakley's partisans. Only on the score of politics could there be criticism of Van Buren's successor. But Van Buren could not very well raise this cry, as he, too, had truckled to the Federalists. But his followers raised a row. The

Livingstons organized a Republican meeting in Oakley's home county to denounce Van Buren's removal and his replacement by a Federalist. Similar meetings were held throughout the State.

Washington was helping Van Buren, who brought all the prestige of the National government to his support by inducing Vice President Tompkins to run for Governor.

Shortly after Van Buren's removal, and when it was known that it was his intention to draft Tompkins, Archibald McIntyre, Comptroller of the State, a Clintonian, charged Tompkins with a shortage in his accounts with the State of some $110,000 to $120,000. The charge was made public in an open letter to the Vice President. Corruption was implied.

The accusation would probably never have been made if Tompkins had not been known to be the choice of the Van Burenites for Governor. The existence of the shortage had been known for three years. In the previous session a law was enacted allowing Tompkins commissions on the loans he obtained during the war on his signature as Governor. This act was passed to enable him to balance his account with the State, and the debate on it was conducted so as to conceal the defalcation. But McIntyre refused to make the settlement, as Tompkins demanded $25,000 in excess of the sum he owed the State.

Hammond, who listened to the debate and had first-hand knowledge of the incident, thus systematically accounts for the shortage:

> This deficiency was supposed to be, and I believe it to be, owing, not to an intentional appropriation by him of the money of the state to his own use, but to the casual loss of vouchers; to the payment of money, in many cases, when, in the hurry and bustle of the times, no vouchers at all were taken; to the infidelity and knavery of agents; and, perhaps, as he mingled his own money with that of the public, to his sometimes expending for domestic purposes more than his income, and thereby, unintentionally, using for private purposes the public funds.

McIntyre's letter embodying the ugly implications of personal dishonesty on the part of the second officer of the National government was printed in pamphlet form as well as in the columns of the Clintonian and Federalist press.

On reading the charges against Tompkins, Van Buren hurried to the Vice President's home on Staten Island: the village which grew up around it is called Tompkinsville. Van Buren, like all the intimates of Tompkins, believed that the Vice President could not be guilty of deliberate dishonesty. McIntyre's effective attack must be answered. Tompkins gave Van Buren the keys to the desk containing his private papers. These would prove that he was not a defaulter, Tompkins declared.

The search began with Tompkins's letter book covering the early months of the war. The first thing Van Buren encountered was a letter to Thomas Addis Emmet urging him to accept the office of Attorney General after Hildreth's death in July, 1812. Book in hand, Van Buren hastened to the garden and, showing Tompkins the copy of the letter, exclaimed:

"Vice President, I find here that you were the author of an appointment that I have always attributed to Mr. Clinton."

Tompkins nodded as he replied: "Governor Clinton knew nothing of the matter. I wanted to have Thomas and Southwick convicted of the bribery they practiced on the passage of the bill to incorporate the Bank of America, and thought you too young for that service. And I knew, besides, that you would come to the office early enough."

Well, Van Buren was out of the office now, through the act of Clinton; but this could not make him forget how he had doubted Clinton when he said that he had had nothing to do with the appointment of Emmet. And during all these seven years he had unjustly believed that Clinton had prevented him from getting the office, which he had sought at the suggestion of Spencer.

The discovery was not a pleasant one. Van Buren was distressed. He regretted the many injustices he had committed against Clinton: acts inspired by his unjust conclusion. He resolved that henceforth he would not trust solely to inferences in important matters. But now was not the time to make amends, as the war was on between him and Clinton. With more vain regrets, Van Buren dismissed the incident from his mind and went on examining the papers.

The Secretary of the Navy, whose son, Jonathan Thompson, was married to a daughter of the Vice President, had a summer home near the Tompkins place. Smith Thompson was absent when

Van Buren arrived, but in the course of two or three days they met. The Secretary's first inquiry concerned the examination. Van Buren replied that so far he found the condition of Tompkins's account good, and added: "But there is another matter that has afflicted me more." He asked Thompson if he had observed that the Vice President was becoming intemperate. Tompkins was drinking, and drinking heavily, all during Van Buren's stay. Thompson answered that he believed the drinking was due to worry, and would wear off when his accounts were adjusted.

Van Buren was thinking not only of the well-being of their friend, but he could not go ahead with his plan to nominate Tompkins, although he was the most popular man in the State, barring Clinton, if he became a drunkard. While it was a time of hard drinking, the people demanded at least the outward appearances of sobriety in their public servants. Thompson promised to let Van Buren know if the drinking threatened to become a habit. Van Buren was so upset by his fears that he wrote a letter in a disguised hand counseling the Vice President not to drink hard. He put the letter in his pocket intending to mail it when he reached New York, but could not bring himself to the point of posting an anonymous note, even though it was intended to serve a good purpose.

The reply of Tompkins, which Van Buren drafted, brought forth a rejoinder from McIntyre; and the whole country took up the question, and the Federalist press kept up the controversy which was to remain alive for many months.

Tompkins was drinking far beyond the point called hard drinking; occasional intoxication would not have alarmed Van Buren. We find one of the Livingstons also concerned over the Vice President's habits. Van Buren was never without his glass of wine at table, and that it was not an ungenerous glass is evident from a letter to Jesse Hoyt, a lawyer formerly of Albany, then resident in New York, and for many years a handy man in political and other matters to Van Buren.

"I want," wrote Van Buren on November 17, "about fifteen or twenty gallons of table wine—say prime Sicily, Madeira, or some other pleasant, but light and low wine to drink with dinner. I wish you would get Mr. Duer, who takes this, to select it for

me, and buy and send it up. Get me also a box of good raisins and a basket of good figs, and send them with the wine."

This was a small order, for not long after he bought sixty-three gallons of wine from Domenick Lynch—all choice wines were purchased from this New York society leader and introducer of opera to America—as instanced by a note to Hoyt in the following August: "You will oblige me by presenting the above draft to Mr. Kaufner, and the within check at the City Bank, who will, of course, give you the money for it, which pay to Domenick Lynch, Esq., for a half pipe of Wine I bought of him some time since."

While the honesty of the Vice President was being debated in every part of the nation, Van Buren, who regarded the sending of an anonymous letter, even in a meritorious cause, as an unprincipled act, sat down in the quiet of his Albany lodgings and wrote an anonymous pamphlet. His friend Marcy polished the phrases and supplied the proper punctuation and paragraphing. This document, unique in our history, was an appeal to the Republican members of the Legislature to reëlect Rufus King, the leading Federalist of the country, to the United States Senate. Van Buren masked his authorship behind the subscription: One of your Colleagues.

A few of Van Buren's intimates knew that he had written this eulogy of King, which omits all references to King's early opposition to the War of 1812, and recalls only the aid he rendered when the nation's "coffers were kept empty and her armies unrecruited by the ruthless efforts of faction." He sums up King's patriotism thus:

> At this momentous crisis, which applied the touchstone to the hearts of men, when many of the stoutest were appalled and the weak despaired of the Republic, Mr. King was neither idle nor dismayed. His love of country dispelled his attachments to party. . . . He remonstrated in his correspondence with the leaders of the opposition in this State and in the East, on the folly, the madness and the mischief of their course; he contributed largely of his means to the loans of government; he infused confidence into the desponding, and labored to divest the timid of their fears; he sought Governor Tompkins . . . and to him Mr. King communicated the patriotic ardor with which he himself was animated. . . .

Anticipating the charge of bargaining, Van Buren observes that "it is certainly very extensively believed that our legislative halls have in repeated instances been made the theatres of the most exceptionable and unprincipled political bargains and coalitions; of coalitions in which men acted, not from the honest dictates of their consciences and with a single eye to the public interests, but from the unworthy motives of personal aggrandizement, not only disconnected with the public good, but in direct hostility to it." He notes that "in proportion as those charges have been credited abroad, the character of our State has sunk in the estimation of our sister States."

It is not his intention to discuss the truth of these charges, but it will "doubtless soon become necessary to probe them, as well as other transactions of a deeper cast, and still more injurious in their effects upon our public character, to their inmost recesses; to separate the innocent from the guilty; to vindicate the great body of our citizens from the charge of participating in the profligacy of the few, and to give rest to that perturbed spirit which now haunts the scenes of former moral and political debaucheries to the end that this great and otherwise flourishing State may no longer be retarded in her march to that respectability and influence, to which she is so eminently entitled."

All this last was intended for the consumption of the constituencies of the Republican legislators who were to be forced into line for the generalissimo of the Federalist forces. Van Buren knew the people. They must be flattered. What does the anonymous author of the appeal for the reëlection of Rufus King promise? "to vindicate the great body of our citizens from the charge of participating in the profligacy of the few." No one then, or before, or since had accused "the great body of our citizens" of sharing in the corruption of their leaders. But doubtless, reasoned Van Buren, they would not be keen enough to realize this; and by such phrases he hoped to induce them to believe that the masked author of the pamphlet was thinking chiefly of their good name. Consequently he was their friend.

The great guile of Van Buren is displayed not only in his sophistry, but in the time of the publication of his appeal for King. The pamphlet appeared less than a fortnight before the Legislature would be convened. In that short time the subtle

deceptions of the anonymous document could not be properly answered, and it was his plan to force the issue immediately after the two houses had organized. Tammany was solidly behind him in his scheme. His appeal, therefore, was intended chiefly for the up-State Republicans who were wavering in their faith between the Clintonians and the Van Burenites. He must assuage their fears that voting for King would be high treason. To these he directs these closing paragraphs of his print:

It is, as I have already stated, apprehended by several honest men, whose devotion to the Republican cause, and whose good opinion I hold in the highest regard, that the support of Mr. King, at this time, might expose us to the suspicion of being influenced in our determination by the single view of securing the coöperation of a sufficient number of Federal members to effect the various legislative objects at the next session, for which parties generally, as it is natural they should, feel considerable solicitude.

This is the matter fairly and plainly stated. Now, strong as my desire is that we should confer on Mr. King our support; sensible as I am of the tendency of such a measure, to repel and to put to shame the volumes of calumny and scurrility which have been heaped on us by those who deceive themselves with the hopes of breaking down the free spirit of a great party, and grateful as I know it would be to the feelings of distinguished Republicans in our sister States, still, if I believed there was adequate cause for such apprehensions, I would on that ground forego its adoption. For it is not so important that we succeed soon, as it is that, when we do so, we proceed in a manner the most unexceptionable. But I know well that those fears are groundless.

Our party, in the first place, is not liable to suspicions of this kind. We have throughout sustained a character which has, and will continue to exempt us from them. We are not a "personal party." We have no individuals amongst us who claim and exercise the right of stipulating for our acts; nothing is done for us, that is not done by the will of the majority, and which is not well understood to be in unison with the general sentiments, and consonant to the wishes of the people. With a party so organized, and thus acting, motives so justly deprecated can seldom, if ever, operate, and, of course, the suspicion of their existence is not likely to arise.

In the passages quoted we see Van Buren not only pleading for King, but praising Tompkins, and by indirection, assailing Clinton. Yet the note sounded throughout is the harm done to the

State by "moral and political debaucheries" in New York's legislative halls. He was an omnivorous reader of the press. These abuses were being magnified in a systematic onslaught on our experiment in democratic government by the whole monarchial press of Europe. In England, where a part of the people were on the verge of revolt against the archaic and unfair electoral system, the ruling class, in and out of Parliament, constantly criticized America in an attempt to divert the attention of the disgruntled.

In their assaults on our electoral system, and the misuse of patronage that went with it, the English critics were fair, limiting their criticisms to New York and Pennsylvania, and, as a noted Philadelphian publicist observed, "it happens that those are precisely and notoriously the parts of the Union, in which the game of state politics . . . bears the worst character and appearance. In them, there is more perhaps, of what, as long as human nature is not perfect with us, must exist in a certain measure in the rest,—I mean paltry intrigue for petty offices, and interested effort to influence votes."

But these assaults did not stop here. It was necessary that the entire nation be made odious and all our institutions cried down. That species of conditional white slavery, the traffic in redemptioners, as the farmers and merchants of Europe who were too poor to pay their own passage were called, was largely a British enterprise, carried on by British ships manned by British crews. Yet this traffic in mortgaged whites was described by the English writers as an example of American brutality.

The trade in blacks and the kidnaping of free negroes were the subject of appropriate strictures, yet they were silent on the shameful part played by their own rulers in fostering the theft, purchase, and sale of human beings, or the refusal of the directors of the Sierra Leone Company to permit the transplanting of American freed slaves at the instance of Washington, acting on the application of the Legislature of Virginia. Rufus King represented the United States in this praiseworthy effort of 1802.

These attacks were answered by American writers with quotations from official reports of special committees of the House of Commons where the cause of the poor was, too infre-

quently, the object of much humane concern. The kidnaping of free negroes in the United States was more than outweighed by the buying and kidnaping of boys and girls by the master chimney sweeps in England. The lot of these unfortunate children was tragically portrayed in a report which would defy the credence of the modern reader if we did not remember that the child slave is still employed in our own factories under the color of law. We quote a part:

> Children are sometimes sold by their parents to master chimney sweepers, and oftentimes they are stolen. These children are very liable to cough and inflammation of the chest, from their being out at all hours, and in all weathers: these are generally increased by the wretchedness of their habitations, as they too frequently have to sleep in a shed exposed to the changes of the weather, their only bed a soot bag, and another to cover them, independent of their tattered garments.
>
> They are very subject to burns, from their being forced up chimneys while on fire, or soon after they have been on fire, and while over-heated; and, however, they may cry out, their inhuman masters pay not the least attention, but compel them, too often with horrid imprecations, to proceed. They are sometimes sent up chimneys on fire.
>
> It is in evidence before your committee, that at Hadleigh, Barnet, Uxbridge, and Windsor, female children have been employed.
>
> It is also in evidence, that they are stolen from their parents, and inveigled out of workhouses; that, in order to conquer the natural repugnance of the infants to ascend the narrow and dangerous chimneys, to clean which their labor is required, blows are used; that pins are forced into their feet by the boy that follows them up the chimney, in order to compel them to ascend it; and that lighted straw has been applied for that purpose; that the children are subject to sores and bruises, and wounds and burns on their thighs, knees, and elbows; and that it will require many months before the extremities of the elbows and knees become sufficiently hard to resist the excoriations to which they are at first subject.

But it was largely to matters such as the hardships of chimney sweeps that the House of Commons directed its attention. The sufferings of the workers and other major problems were ignored. The mass, there, as here, was then inarticulate. But as in all times, even under the most tyrannical governments, leaders were found among the more fortunate, and while Van Buren was

beginning to concern himself with the tangled accounts of Tompkins, the attacks of the monarchists on our popular institutions were stayed by the hand of tragedy, a tragedy which was to rouse the lawmakers of New York to a realization that they could not much longer deny the ballot to the people.

CHAPTER XXI

The evils under which Britain suffered were brought to a head by the Corn Laws, not inaptly called the Starvation Laws. France had taxed the people for light and air: England was taxing them for bread. The tragic manifestations of the English reform movement in 1819 were to advance the cause of manhood suffrage and progress generally in New York and elsewhere.

The tragedy in England had its origin during the American Revolution when a number of "the gentry, clergy, and freeholders of Yorkshire," of "the first consideration and property in the county, if not in the kingdom" assembled at York. A petition to the House of Commons was drafted protesting against the burdens of taxation placed on the land to carry on "a most expensive and unfortunate war"; against the squanderings of public moneys; against the creation of sinecures "with exhorbitant emoluments" for favorites; against unmerited pensions; against the great and unconstitutional influence which the Crown had acquired, "which, if not checked, might soon prove fatal to the liberties of this country."

But nothing was done save to tell the people how inferior our republican institutions were to the political excrescences of the House of Hanover and to enact more irksome laws. The movement for reform continued until the clique surrounding George III had a law passed known as the Seditious Meetings Act. This was designed to stifle the protests of the people, and to handicap the judiciary, which, in the main, was opposed to the suppression of free speech and the right of peaceable assembly. The hands of the judges were tied by the suspension of the Habeas Corpus Act. This was in 1794. These repressive measures were repealed and restored from time to time.

The clamor increased with the enactment of the Corn Laws in 1815, intended solely to enrich the comparatively few large landowners. The House of Lords was made up exclusively of this class, and this same minority dominated the House of Commons,

where "five hundred of the seats . . . are articles of purchase, and always go to the highest bidder." The sale of seats "is as notorious as the sun at noonday." And "the gentry, the clergy, and the freeholders" voiced these and similar truths in the summer of 1819.

At Birmingham, on July 11, the workers, who had no vote, and a sprinkling of the gentry, clergy, and the freeholders, who exercised the privilege of suffrage, did a novel thing. The town was without a seat in the House of Commons, so Sir Charles Wolseley was elected "Legislatorial Attorney" to represent the people of Birmingham "amid the thundering acclamations of one undivided multitude." And he was instructed to present himself to the bar of the next Parliament for admission.

The defiant thunder of this meeting reverberated in Buckingham Palace and in the lowliest fisherman's hovel. Seventeen days later Sir Charles Wolseley addressed a smaller meeting at Stockport, where only four or five thousand people attended. Some of them carried flags and banners. One read: "Universal Suffrage." Another: "Election by Ballot." Other demands depicted included "Annual Parliaments" and "No Corn Laws." One of the flags was surmounted by the red cap of Liberty.

Sir Charles said that "he was a most determined friend of the people, and should remain so while there was a drop of blood in his heart. . . . He was proud to say that he had been at the taking of the Bastile in France, and would be happy to be at the taking of a Bastile in England. Were all hearts but as firm in the cause as his own, they would soon put an end to the present tyranny and corruption. They should be firm and united, for in a few weeks the struggle would be made and ended."

Another speaker was the Reverend J. Harrison. He won his plaudits when he contemptuously referred to Lord Sidmouth's refusal to present the people's petition to the Prince Regent—George III was in his last days. "There was a barrier between the throne and the people which must be removed either by force from heaven or hell, in order that they might see whether a man or a pig was upon the throne," said the clergyman.

Two days later the Regent issued a proclamation calling on the magistrates of the land to put down "insurrection against his Majesty's authority" and to bring to justice all "who had been

or may be guilty of uttering seditious speeches and harangues."

This did not silence the movement, and many more gatherings were held. In Manchester the reformers advertised a meeting in St. Peter's Field for Monday, August 16, "to consider the propriety of adopting the most effectual means of obtaining a reform in the Commons House of Parliament."

This was the largest meeting held by the reformers up to that time. Banners bearing legends similar to those seen at Stockport were borne by the marching thousands as they proceeded to St. Peter's Field, where between sixty thousand and eighty thousand were congregated when Henry Hunt, leader of the movement, arose to address them. Hunt is described by Francis Place as "in almost all respects the best mob orator of the day, if not, indeed, the best which had ever existed." His hustings was a wagon, and around this rude rostrum were massed many of the silken standards, some of them reminiscent of the French Revolution. One read: "Liberty and Equality." On a black banner was written in large characters: "Equal Representation or Death." Towering over all was a staff supporting a Phrygian cap of crimson velvet on which was embroidered: "Liberty."

It was a peaceful gathering. Hundreds of women and children were scattered throughout the earnest mass of men. Not one of the sixty to eighty thousand was armed. The people assembled in compliance with the existing laws.

As Hunt began speaking two things happened simultaneously. One was observable to the throng. This was the arrival on the outskirts of the crowd of a troop of cavalry, their drawn sabers flashing in the sultry sun. The second was the issuance of warrants by magistrates, who sat in near-by houses. The illegal instruments called for the arrest of Hunt and his associates. The only pretense on which the judges acted was the proclamation of the Prince Regent, which did not make law. These orders for arrest were served peaceably. Among the prisoners was the correspondent of the London *Times*. The officers assumed that the journalist, being well dressed, and close to Hunt, was one of the "reformers."

The *Times* account of the wanton tragedy which immediately followed relates that after the peaceful arrests "a cry was made by the cavalry, 'Have at their flags!' In consequence, they imme-

diately dashed not only at the flags which were in the wagon, but those which were posted among the crowd, cutting most indiscriminately to the right and left to get at them." In another part of the field stood Samuel Bamford, who thus described the subsequent events:

> The cavalry were in confusion; they evidently could not, with all the weight of man and horse, penetrate that compact mass of human beings; and their sabers were plied to hew a way through naked held-up hands and defenseless heads; and then chopped limbs and wound-gaping skulls were seen, and groans and cries were mingled with the din of that horrid confusion. "Ah, ah!" "For shame!" "For shame!" was shouted. Then "Break, break; they are killing them in front, and they cannot get away"; and there was a general cry of "Break, break!" For a moment the crowd held back, as in a pause, then was a rush, heavy and resistless as a headlong sea, and a sound like low thunder, with screams, prayers, and imprecations from the crowd-moiled, and saber-doomed who could not escape. . . . On the breaking of the crowd, the Yeomanry wheeled; and dashing wherever there was an opening, they followed, pressing and wounding. In ten minutes from the commencement of the havoc, the field was an open and almost deserted space. The sun looked down through a sultry and motionless air. . . . The hustings remained with a few broken and hewed flagstaves erect and a torn and gashed banner or two drooping; whilst over the whole field were strewed caps, bonnets, hats, shawls, and other parts of male and female dress, trampled, torn, and bloody. The Yeomanry had dismounted; some were easing their horses' girths; others adjusting their accoutrements; and some were wiping their sabers. Several mounds of human beings still remained where they had fallen, crushed down, and smothered; some were still groaning; others, with staring eyes, were gasping for breath; and others would never breathe more.

More than five hundred men, women, and children, were wounded and eleven slain outright. A grim wag, meet to be jester to the gods, having in mind the epic written on the field of Waterloo, dubbed the saber charge in St. Peter's Field the Battle of Peterloo, which the more sober changed to the Peterloo Massacre. All England took up the phrase—all save Lord Sidmouth, secretary to the Prince Regent, who in the name of his Royal Highness, expressed "high approbation" of the soldiery on this occasion, and told the Manchester magistrates of the "great

satisfaction derived by his Royal Highness from their prompt, decisive, and efficient measures for the preservation of the public tranquillity."

Tranquillity prevailed only among the slain; for from one end of England to the other, the people assembled to protest against this shameful and unprecedented assault upon their liberties. Many of these meetings were presided over by the nobility. In the castle yard at York, "the independent inhabitants of Yorkshire" were addressed by the Duke of Norfolk and Earl Fitzwilliam. These, with Lord Milton and Lord Cowper, had signed the call for the assembly. For espousing the cause of the people, Earl Fitzwilliam was dismissed as Lord Lieutenant of the West Riding of Yorkshire.

Processions were held in the streets with bands playing funereal music. Forty thousand assembled near Halifax and marched to the meeting place to the strains of "Scots wha hae wi' Wallace bled" and the "Dead March in Saul."

When Hunt arrived in London after his release from prison, more than three hundred thousand, the *Times* estimated, turned out to greet him. A banquet was tendered him, and the London Common Council adopted resolutions calling upon the Regent "to institute an immediate and effectual inquiry into the outrages that have been committed, and to cause the guilty perpetrators to be brought to signal and condign punishment."

The Regent curtly told the representatives of London that they were unacquainted with the circumstances and "incorrectly informed"; and that if laws were violated, the ordinary tribunals of the country were open for redress. The courts were functioning. Several of the leaders of the movement were sentenced to terms of imprisonment ranging from one to two and one-half years for pleading for reform.

Almost a generation later, Carlyle, speaking of the continued demand of the people for relief, said: "These Chartisms, Radicalisms, Reform Bill, Tithe Bill, and infinite other discrepancy and acrid argument and jargon that there is yet to be, are *our* French revolution; God grant that we, with our better methods, may be able to transact it alone." Carlyle prayed not in vain

William L. Marcy
After an engraving by J. C. Buttre

CHAPTER XXII

The Legislature of 1820 was convened on January 4. Four days later the two houses, by joint ballot, reëlected Rufus King to the United States Senate. Three uncompromising Republicans in the Assembly alone voted against him. Clinton, who had been also playing with the Federalists, made no opposition, seeing how successful Van Buren's appeal of the previous month had been. New York anticipated the Era of Good Feeling by some months. King was at his home in Jamaica, Long Island, when word reached him of his election. He wrote to his son John to thank William A. Duer for his constancy and friendly exertions, and added:

> The part taken by Mr. Van Buren has indeed been most liberal, and as I conceive at the risk of impairing his high standing and influence among his political friends; do not fail therefore to inform him that I can never be insensible of his generosity & that no occasion can arrive, that I shall not be ready to prove to him the personal respect & esteem with which he has inspired me.

King knew the danger Van Buren incurred in espousing his cause. It was to plague Van Buren in later years; but Van Buren was desperate in his determination to crush Clinton. And he was hopeful of Federalist support.

In his annual message to the Legislature, Clinton recommended that a convention be called to consider amendments to the State Constitution which the Legislature would designate. He especially urged that the Council of Appointment be abolished. There was a demand among many, both Federalists and Republicans, for a revision without any restrictions by the Legislature, and the lawmakers, unable to agree on the scope of the call, deferred action for another year.

The real rub lay in the apprehensions of friends of the members of the judiciary that the delegates, if permitted uncontrolled sway, would report an amendment removing the judges from office because of their political activities. The people were

complaining of the partisan acts of their higher judges, both on and off the bench, to which they were appointed for life. The voters felt that wearers of the ermine, possessing the power to make one man rich and another poor, to deprive this one of his liberty, and that one of his life, should not debauch themselves in the orgies of partisan passions.

In the first month of the session, William W. Van Ness, a justice of the Supreme Court, was accused of bribery in a resolution moved by Erastus Root. Van Ness took $5,000 for a favorable vote on the charter of the Bank of America in the Council of Revision. Van Ness was a supporter of Clinton. The Clintonians, with a sufficient number of Federalists, marshaled by Elisha Williams, successfully opposed his impeachment. Williams had been counsel for the bank. But the attendant disgrace shattered Van Ness's health; and he paid for his wrong with his life.

While the legislators were factiously discussing in the lobbies Van Ness's knavery, Assemblyman Henry McNeil, of Oneida County, introduced a resolution instructing New York's representatives in Congress "to oppose the admission, as a state, into the Union, of any territory . . . without making the prohibition of slavery therein an indispensable condition of admission." Some weeks before, Missouri in applying for statehood, exhibited her constitution which contained a clause tolerating slavery. James Tallmadge, a New York member of the House of Representatives, raised objections to this section. The Assembly unanimously adopted the McNeil resolution instructing his associates to support him.

On January 20 the resolves reached the Senate, and Van Buren and every other member voted for them. A call for a public meeting in Albany to protest against the further extension of slavery was also signed by him. By this time Van Buren had a second thought: there was Clinton to defeat, and there were slaveholders and pro-slavery men in the State. He must not antagonize them. Although New York in 1817—this was one of the last acts Tompkins signed as Governor—abolished slavery in the State after 1827, there was considerable sentiment in the Hudson River counties, where slavery was an established institution, against the manumission movement. Van Buren did not attend the meeting; and declined to sign the anti-slavery resolu-

tions adopted. This would have made him too conspicuous: he had gone far enough.

While Van Buren was plotting Clinton's end, a survey of the Middle District indicated that he himself would be defeated if he sought another term in the Senate. He would not be an office holder after June 30. But he was remaining in politics until he succeeded in retiring Clinton.

Meanwhile he busied himself with unifying the Republican and Federalist opposition to Clinton. Ten days after King was returned to Congress, the Van Burenites, or Bucktails, met in caucus and nominated Tompkins for governor.

The return of the Bucktails to the caucus system of naming candidates for State office, which they had condemned when they were a minority in the Legislature, was denounced by the Clintonians, who met in open convention and renominated Clinton and Taylor.

In an unsigned letter, Van Buren informed Tompkins of the nomination, dispatching the note by Tompkins' son-in-law, Jonathan Thompson, who had instructions from Van Buren to converse freely with Tompkins "on the state of things here." Tompkins was wavering, fearful that his unsettled accounts, with the implied charge of defaulting with $110,000 to $120,000 of the State's money, might be disastrous to him in an election. Van Buren sought to dispel these fears, but being prepared for a refusal from Tompkins, he ended his letter with a proposal that if Tompkins declined, an effort be made, "through the interference of our friends at Washington," to induce Smith Thompson, Secretary of the Navy, to make the race. Tompkins reluctantly accepted.

Van Buren next wrote to King and asked him to advise the Federalists to support Tompkins. King's son, John A. King, a member of the Assembly, also vainly appealed to his father.

In the various private letters he wrote to his intimates, Van Buren always declared confidence in the election of Tompkins. Had he been frank, he would have said, as the Patroon did to Solomon Van Rensselaer: "The Vice President, it is said, will be too heavy a load . . . I think it very doubtful who will succeed."

On January 19, before Tompkins had agreed to run, Van Buren wrote to Rufus King: "He is unambitious & for himself

wishes nothing so much as retirement; he has long been balancing in his own mind as to the propriety of asking the place of Collector of New York."

In this same letter we see the outline of the plan of a nation-wide spoils system which Van Buren was to inflict upon the country. He wrote: "It appears to me that to check Mr. Clinton's career is a matter of as much interest to our sister states as to us; he has collected around him a set of desperadoes, who, instigated by the hope of official plunder, will never be content to limit their depredation to the boundaries of this State, but would, if successful here, without doubt, extend their incursions abroad."

There was no basis for this ugly charge against Clinton; but Van Buren wanted all possible aid in his fight on Clinton—the whole nation if he could get it. There was no justification for the suggestion that Clinton was seeking the Presidency at this time; for neither Clinton nor any one else had any hope of depriving Monroe of a renomination. Having made this accusation to inspire fears in the Virginia Dynasty, he made bold to ask King to induce the President to force Thompson to be a candidate if Tompkins declined. "I cannot but hope," wrote Van Buren, "that Mr. Monroe would under suitable explanations interest himself to prevail upon Mr. Thompson to comply with our wishes."

Van Buren's anxiety ended on Washington's Birthday when Tompkins arrived and formally accepted the nomination. He "was escorted by the Military, and a great concourse of the Citizens from the ferry to his lodgings," King wrote to his father, "and upon leaving the sleigh, was greeted by three cheers from the surrounding multitude. A meeting of between eight hundred and one thousand persons met at five in the Capitol, and there ratified the acceptance of the Vice President and nominated openly General Moers [*sic!*] from Plattsburgh as a candidate for Lieut. Governor. A well written address and Resolutions were then submitted by Mr. Van Buren, the Chairman of the meeting, and were adopted with long and repeated cheering." Benjamin Mooers, the running mate of Tompkins, had been nominated and elected the preceding April as a Clintonian. The price for his desertion was this nomination.

Van Buren grew more and more apprehensive over the out-

come. He presented a report as chairman of a special committee of the Senate asserting that the Comptroller ought to have allowed premiums of twelve and one half per cent on $1,050,000 to Tompkins, which would produce $131,250, giving the Vice President not only a certificate of character, but $11,870.50 above his admitted shortage. He introduced a bill carrying out this recommendation, and made the only speech in support of, or against, the proposed law and his committee's report.

Hammond recorded that this speech, which lasted two and a half days, was the "most ingenious, able and eloquent speech" he had ever heard. All were moved by Van Buren when he depicted the Vice President as the victim of persecution; Jeremiah Lott, who was elected the following month to represent Brooklyn in the Assembly, burst into tears and was led from the Senate Chamber. Van Buren's arguments had to be ingenious, because Tompkins had no just claim against the State; his claim for premiums on the loans—if he had any at all—lay against the National government. The Senate passed the bill by a vote of two to one.

In the Assembly, where Clinton ruled supreme, the measure was referred to a special committee of which Attorney General Oakley was chairman. Oakley's committee reported to the Assembly that the Comptroller in refusing to settle the accounts had acted correctly, and recommended that Van Buren's bill be amended to require the Comptroller to bring suit against the Vice President to recover the shortage if the balance due the State was not paid by August 1. The report was adopted and its provisions carried out by the Clintonian majority, leaving the question as unsettled as when the shortage was first discovered in 1816, and making it an issue in the coming campaign. Had a suit been brought against Tompkins it would have availed nothing: he was broke.

On April 14, the closing day of the session, the wealth and the brains of the Federalist Party, as represented by forty-eight signatories to the letter, made a public appeal to their fellow partisans to vote for Tompkins. This document was ready early in March, as we learn from a letter of John A. King to his father. Another son of Rufus King, Charles, with William A. Duer, and the latter's brother John, and two sons of the late Alexander Hamilton, John C. and James A. Hamilton, had been active for

weeks in obtaining the signatures of the other forty-two members of the Federal *altezza*.

Their principal objection to Clinton, as set forth by the forty-eight, was that his faction partook of the character of a personal party; that he favored those who praised him, and that his advisers were men lacking in independence and possessed of a suppleness of disposition, "disgusting to the feelings of all truly high minded and honorable men who entertained a decent self-respect." They further averred that the Federalist Party no longer existed, and therefore they threw their lot in with Tompkins, and urged all of the old faith to do likewise.

Clinton did not stoop to abuse or answer these "high minded" men; instead, he used their own unfortunate phrase to ridicule them, and called them the High Minded Federalists—a name which stuck to his Federalist opponents for many years. The Clintonian press stressed the phrase in the few days left them, usually capitalizing or italicizing High Minded.

Clinton won by the slimmest of majorities—a bare 1,457 votes. But the Van Burenites carried a majority of the Assembly.

Had Clinton been defeated, Van Buren would have quit politics and moved to New York. Five weeks before the election, Van Buren's law partner, Benjamin F. Butler, also a native of Kinderhook, who had studied law under him at Hudson, wrote to Jesse Hoyt: "I do not yet precisely know what are Mr. Van Buren's expectations, nor do I believe he knows himself. It is very probable that he will spend the summer in settling up his affairs in this part of the state and in Columbia [county]." In the month of February Butler informed Hoyt that Van Buren had asked him to hold himself in readiness to move to New York in the spring.

Butler at this time—March 17, 1820—had been away from the law for two years, trying the rôle of president of a wild-cat bank established by Jacob Barker at Sandy Hill, now Hudson Falls. But the institution was soon to close its door with thousands of dollars of its worthless scrip unredeemed. A month after Clinton's reëlection Butler arranged to rejoin Van Buren in partnership on June 15. And Van Buren thus accounts for the change in his plans in a letter from Albany to Worth, under date of June 1:

I had intended to have left here for New York this fall, in the event of the War being ended, but as it is, my desire to serve your dear friend *the Great Clinton* will keep me here a few years longer—I have not the remotest objections that you should stick to him . . . but for gods [*sic!*] sake give us no more puffing in verse, I assure you solemnly that it will no longer pass current here—that Mr Clinton owes his election to a community of various interests hopes & fears is well known & that he is in no sense the favourite of this State is as certain as it is true that he does not deserve to be—but I will vex you no more—

If we did not have this and other indisputable proofs of Van Buren's deep hatred for Clinton, a hatred verging on obsession, it would be difficult to believe that a man of his attainments and years would alter his plans to so great an extent that he would remain in Albany to carry on "the War" against the Governor. Van Buren was now approaching his thirty-ninth birthday. His exhortation was provoked by the predilection of Worth to write in rhyme on almost every conceivable subject. Some of his rhyming was in praise of Clinton; hence Van Buren's "for gods [*sic!*] sake give us no more puffing in verse."

There are two letters of Van Buren written to Hoyt in the latter part of the month which show his dislike of imposition by borrowers. The first, dated the twenty-first, informs Jesse that a nephew of Sheriff Hogeboom had "borrowed $10 under a promise to send it up, which he has not done; and from what Mr. Hogeboom tells me I apprehend he did not intend to do it. I wish you would see him and make him pay it to you." Some nine days later he wrote: "I am afraid you will begin to think me a very troublesome friend—but I am constantly the victim of imposition—that man Plimpton who owns the *Aboliva*, borrowed five dollars of me under a promise to send it up. If you happen to fall in with him I wish you would —— him—he is a graceless dog."

These letters in themselves give the impression that Van Buren was niggardly. He had toiled for all he had; he had paid for it in brain and brawn and bone; and he wanted it back. His early life had taught him the value of a dollar. Yet in his own quiet way Van Buren was charitable to the deserving.

CHAPTER XXIII

On the first day of July Van Buren was a private citizen. He held no public office. He was, however, the acknowledged leader of the major faction of the Republican Party. He controlled the Legislature. He had organized the political machine of which he was the head with a thoroughness previously unknown.

He felt free for the first time in years. His children were living with relatives, and he and his partner Butler boarded in Gilbert Stewart's house, 132 State street, a short walk down the hill from the State Capitol. Across the street was their law office. His only concern now was his law practice—and Clinton.

A picture of Van Buren's law office is left us by his partner Butler. On a summer day he wrote to Jesse Hoyt, whose brother, Lorenzo, had just been taken in as a law student. Lorenzo had been manager of Barker's bank at Sandy Hill. "Take it all together," said Butler, "we have the pleasantest establishment in the city, if not in the state. We occupy the whole lower floor. . . . Mr. Van Buren has the front room, with the library. I keep my office in the back room, which is cool and pleasant, besides being better adapted for study than the other. We have two students besides Lorenzo. A young man, a brother of Caldwell, (Gourlay's son-in-law) who has been eighteen months in our office, and a sedate, attentive, and I expect, useful clerk—and a son of the loud talking Pugsley, who is a wild fellow, and whom I keep on condition of good behaviour. So far, he has not forfeited. If Lorenzo remains with Mr. Van Buren, I will, with great pleasure, pay particular attention to him. He is digging away at Blackstone, which I shall permit him to continue until I get my books from Sandy Hill; then I will set him about reading a course of history and studying the Latin grammar."

It was not a small office: three clerks were busy copying the forms under Butler's direction. Butler was very busy at the summer term of court, held in Albany, over which Spencer was presiding. In a second letter to Hoyt, dated August 17, he revealed that a lawyer's gray hairs meant something on motion day.

"I have done nothing more than oppose a motion, in which I was successful," Butler tells Hoyt, "but to-morrow expect to make some provided I can get a *hearing*. I attempted it last week, but His Honor, the Chief [Spencer], in his mild way, told me to wait until my seniors had been heard; and as I was the youngest Counsellor at the Bar, perhaps this was right; but it excited a great deal of observation among the bar, and is generally spoken of as not *very* liberal nor proper. I really don't know how it is; but I am considered, by some persons, as possessed of a remarkable degree of forwardness, &c., &c., merely because I am unwilling to remain forever at the foot of the professional ladder. However, if my life is spared, I shall grow older every day, and therefore, sometime or other, will be entitled to a hearing."

All during this summer the Bucktails held banquets in every town and city of the State—to toast Van Buren. The generalship was concealed.

Butler's activities enabled Van Buren to give considerable attention to his war on Clinton. On October 7, the Bucktails met in Tammany Hall and formally recommended that a State Constitutional Convention be called, the delegates to have unlimited power to propose amendments.

This roused the few who still clung to the old order and were unwilling to accept a radical political change. The reform urged most by the advocates of a convention with unlimited powers was universal manhood suffrage. "Would you admit the populace, the patron's coachman, to vote?" asked an American Tory. "We would rather be ruled by a man without an estate than by an estate without a man," replied his fellow on a Republican paper.

The meeting of Bucktails was held at this time to impress the Legislature which would meet in special session on November 7 to choose Presidential Electors and to consider such matters as the Governor brought before it. Monroe was to be unopposed, the only President outside of Washington to be accorded this honor.

When the Legislature assembled Van Buren, although no longer a member, was on hand to direct its deliberations. Clinton's message was read to the lawmakers, who listened listlessly to his recommendations for a Constitutional Convention and the enactment of a law giving voters the privilege of choosing Presi-

dential Electors at the polls, to continue in force until the United States Constitution should require their selection by districts—as had been advanced by a Southern State.

The recommendation of this proposed reform, which was in practice in several of the States, was used by Clinton as a peg on which to hang a veiled charge that the officers of the National government had interfered in State elections. Justifiable jealousy was displayed in our early days at any interference by the Federal authorities in a State canvass. To quote part of the message:

> The apprehensions which some of our wisest statesmen entertained, at the formation of the constitution, that the state governments would constantly encroach on the powers of the national government, appear not to have been realized. The practical tendency has been in the opposite direction. The power of the general administration has increased with the extension of its patronage. And if the officers under its appointment shall see fit, as an organized and disciplined corps, to interfere in the state elections, I trust that there will be found a becoming disposition in the people, to resist these alarming attempts upon the purity and independence of their local governments: for, whenever the pillars which support the edifice of the general government are undermined and prostrated, the whole fabric of national freedom and prosperity will be crushed in ruin. I have considered it my solemn duty to protest against these unwarrantable intrusions of extraneous influence, and I hope that the national legislature will not be regardless of its duty on this occasion.

This was Clinton's surprise for his foes. Had Clinton made a direct charge, it would probably have been ignored. But his accusation by inference confounded his enemies. They assumed that he lacked proof of interference by Federal officials "as an organized and disciplined corps" in New York's election. But they bided their time before taking official notice of it.

One of the first measures considered wiped out the debt of more than $100,000 that Vice President Tompkins owed the State. This same bill, which was approved by the Council of Revision, gave Tompkins some $11,000 additional.

The bill convoking a Constitutional Convention was considered next. This was reported by a special committee of the Assembly of which Michael Ulshoeffer was chairman. Ulshoeffer's

bill demanded a convention with unlimited powers and the submission of the proposed amendments in gross to the people.

This bill passed the two houses and went to the Council of Revision for its action. While awaiting the verdicts of this body, the Senate adopted a resolution calling upon the Governor for any information he possessed supporting his implied charge against officers of the Federal government. The answer was brief and ironical. It reads:

TO THE SENATE

Gentlemen—Fully appreciating the patriotic solicitude of the senate to prevent all unwarrantable intrusions in the political affairs of the state, I have received their application for information on this subject with great pleasure, and I shall, in due time, make them a communication, which, I trust, will be satisfactory in its nature and salutary in its tendency.

De Witt Clinton.

It was known that the Legislature would adjourn on the twentieth, five days after the Senate asked Clinton for proofs of his charge. On the morning of the final day the Council of Revision returned the bill for a convention disapproved. Under the State Constitution of 1777, it required a two-thirds vote in both houses to override a veto.

Chancellor Kent wrote the veto message. He admitted that the Constitution needed revision, but denied that the Legislature had authority to create a convention with unlimited power, and further, asserted that the bill should have required the convention to submit the amendments separately.

On both points of law the august body erred. The chief concern of the judges, who were appointed for life, and removable only upon charges by a court of impeachment, was to prevent Van Buren from carrying out his known intention of having the convention abolish the existing system in order to get rid of Chief Justice Spencer. This, rather than the popular demand for reform, motivated Van Buren. Three weeks before the Legislature convened Van Buren's partner wrote to Hoyt: "The city has been full of farmers, &c., these two days—at a cattle show—but I have seen nothing of it myself. Chief Justice Spencer delivered a speech on the occasion, by the way, as I suppose, of

preparation for the period when he will be compelled to retire to the shades of private life."

The bill was rejected by the Council of Revision by the casting vote of the Governor. There were four others present, and it was understood, if not agreed, that Chancellor Kent, Chief Justice Spencer, and Judge Woodworth would vote against it. This would leave the vote of Judge Yates the only voice in its favor. This would not have called for a vote by the Governor. But to the astonishment of his colleagues, Woodworth voted for the bill, compelling Clinton to break the tie. Woodworth's brother-in-law, the Patroon, and nearly all his kin, were opposed to a convention of unlimited scope. Woodworth, who owed his appointment to Clinton, never explained his sudden change.

It was charged that Woodworth gave his vote "in the hope, or in accordance with a secret understanding with the party in the majority in the Senate [the Van Burenites], that that majority would decide that the judgment rendered against him in the Supreme Court should be reversed." Judgment was rendered for several thousand dollars on a note Woodworth had indorsed. As we have seen, the Senate, with the judges of the Supreme Court, and the Chancellor, composed the Court of Errors, and the six votes of the judges were outweighed by the thirty-two votes of the Senators on all appeals brought before this highest tribunal.

As the bill was returned on the day set for adjournment, Ulshoeffer, as chairman of the committee which reported the measure, moved to table it until the Legislature met again in January.

That night, a few moments before the Senate adjourned, Clinton not having replied to its request for information, Van Buren's majority in that body adopted the following resolution:

In Senate—Nov. 20, 1820.—Whereas his excellency the governor, in his reply to the call of the senate for information, relative to the general government, or its officers, as an organized corps, interfering in our elections, has not furnished the senate with any evidence in support of such charges. And whereas it is highly improper that the chief magistrate of the state should criminate the administration of the general government, without ample testimony in his possession, by

reason whereof the good people of this state may have their confidence in the general government greatly impaired. Therefore,

Resolved, That the senate repose the strictest confidence in the patriotism and integrity of the general government, and will not change such opinion, or yield to any insinuations against such administration, but upon full and satisfactory testimony.

Most of the Senators were homeward bound the following morning when Clinton sent them a brief word that he would notice their resolves when the Legislature reconvened in January, and expressed regret that "any branch of the Legislature should, in so unprecedented a manner, lose sight of the respect due to itself, and the courtesy due to a coördinate branch of the government."

Meanwhile Clinton was being held up as a vilifier of the Monroe administration, and this continued until January 17, when Clinton sent a message to the Assembly, accompanied by affidavits and letters showing that high administrative officers, including at least one member of Monroe's Cabinet, had used the influences of their offices in an attempt to defeat him for reëlection the previous April. So voluminous were these documents that they were delivered to the Assembly in a green bag.

One of the letters was written by Van Buren almost a month before the election, asking for the removal of four postmasters. This missive was addressed to Henry Meigs, a Member of Congress from New York, a relative of Return J. Meigs, the Postmaster General. Van Buren demanded the instant removal of four postmasters—"Rascally P. Masters" he called them. They were rascally because they were Clintonians. "Unless we can alarm them by two or three prompt removals, there is no limiting the injurious consequences that may result from it. If anything is done, let it be done quickly." Two of the postmasters were instantly removed.

Clinton, on receiving a copy of Van Buren's letter from Washington, wrote to Solomon Van Rensselaer, then serving his first term in Congress, and thus commented on it: "It is equally offensive to grammar and truth."

Other documents included in the famous Green Bag Message showed that electors employed in the Brooklyn Navy Yard were marched to their polling places behind a marine band. Van Buren's

letter to Rufus King asking the President himself to interfere, remained inviolate in King's keeping.

The Legislature appointed a joint committee to consider Clinton's charges of Federal interference. While the inquiry was on, Van Buren made the final arrangements for the Republican caucus at which a successor to Nathan Sanford, United States Senator, would be chosen. Sanford, a Republican, and free of faction, was justly entitled to reëlection; but Van Buren had other plans. He controlled sixty-four of the ninety Republican votes in the two houses, and he had decided that these votes should be cast for himself.

The caucus met on Thursday evening, February 1. Senator Young, who had invoked the Bible to support him in his theft of a four-year term from Dr. Prendergast, presided. Van Buren's friends, who had lists of those pledged to him, noted that six were not in attendance. But this was of no consequence. One of Sanford's friends was also absent. John King, now a Republican, left us the only report of what happened behind the locked doors. This is embodied in a letter to his father, which reads in part:

> Mr. [Samuel B.] Romaine from New York then nominated Mr. Sanford, and Mr. [Caleb] Eldred from Otsego, Mr. Van Buren. Mr. [Clarkson] Crolius then rose and asked [the] gentlemen to offer some reason for the nomination of Mr. Van Buren in opposition to Mr. Sanford against whom no charge or complaint had been made. If there was cause for dissatisfaction he should be glad to know it, and if it was well founded he would be the first to oppose his reëlection; if however it should be satisfactorily proved that he had been an undeviating republican and a faithful senator in the councils of his Country, that he should then rely upon the support of every man in the Meeting and by an unanimous vote re-nominate Mr. Sanford as a candidate for the Senate of the U. S., of which body he had been so long a distinguished member. He was followed by Mr. Romaine, who, in an animated speech, called upon gentlemen to pause before they sealed the political usefulness of Mr. Sanford, before they passed a vote of censure upon the long and unimpeached services of that gentleman, by giving their support to Mr. Van Buren. If Mr. Sanford should fail to receive a majority of the votes of this meeting the consequences would be the destruction of his political character in the public estimation, and a suspicion that he had either neglected the duties of his high station or had fallen from the faith which he had so long

professed. He mentioned among other instances of a reëlection your own case, able and experienced and a friend to your country as he admitted you to be. Still that you were a federalist, and if in such a case Republicans could consent to a reëlection how much more were they bound to return a gentleman, an acknowledged Republican, against whom no charge was made and to whose public services all were willing to bear testimony.

Young, in a pointless reply, ignored the argument made by Romaine. There was no need of an answer: Van Buren had the votes. With one ballot blank, the vote stood: Van Buren, 58; Sanford, 24. The following Tuesday Van Buren was elected by the Legislature. Some thirty-odd Federalists stood by him. The tally was: Van Buren, 86; Sanford, 60. The Federalists decided the election. King's debt to Van Buren was wiped out.

New York's junior Senator-elect had eleven months to wait before he could take his seat, as his term would not begin until March 4, the day after the Sixteenth Congress was to adjourn. This pleased him, as many things in Albany needed looking after, notably the Council of Appointment, which was beginning to make a clean sweep of all Clintonians.

One of the first removals was Archibald McIntyre, the Comptroller, whose revelation of the Vice President's debt to the State was responsible for the reëlection of Clinton. His place went to John Savage of Salem. Many of Van Buren's followers vainly protested against the removal of McIntyre, who had administered the office of Comptroller with distinction for fifteen years. This office of watchdog of the State's finances had hitherto been regarded as above politics. Van Buren was ruling with an iron hand.

Attorney General Oakley of Poughkeepsie was replaced by a devoted aide of Van Buren, Samuel A. Talcott, of Utica. Jonas Platt, a member of the Supreme Court, commenting on the youth of the new Attorney General, observed that this was the age of young men. Van Buren made it a practice to cultivate the younger generation, chiefly because they expected less than those who were older and wiser.

Benjamin Knower, a hatter of Albany, succeeded Gerret L. Dox as State Treasurer. Knower was qualified because he was father-in-law of William L. Marcy.

Solomon Van Rensselaer, who, save for the year 1809, had continuously held the office of Attorney General under successive Governors since 1801, was removed to make way for Marcy, who boldly attempted to justify this sort of thing in an amazingly frank speech on the floor of the United States Senate some ten years later—a speech which would have been forgotten had he not said: "to the victor belongs the spoils."

Van Buren was working the spoils system to an extreme unknown even in the days when the Livingstons and the Clintons fought for control of the State. Hitherto all military officers, although holding their commissions at the pleasure of the Council of Appointment, were not disturbed. But now one after another was removed from his command to satisfy the thirst for place of a follower of Van Buren. Two of the most noted military men in the State, General Anthony Lamb, the commissary-general, and Colonel Gilead Sperry, commander of a regiment of cavalry, were replaced. Mayors, sheriffs, district attorneys, county clerks, surrogates, justices of the courts of common pleas, justices of the peace, notaries public, and commissioners of deeds, were removed where the least suspicion existed of disloyalty to Van Buren.

The previous August, Van Buren's brother-in-law, ex-Senator Cantine, was made State Printer after becoming owner of record of the Albany *Argus*. Van Buren, the real owner, assumed responsibility for the payments to Jesse Buel, from whom the paper was purchased. Van Buren's former law partner and half-brother, Van Alen, was appointed to his old berth which Van Buren also had filled, that of Surrogate of Columbia County. Van Buren's partner, Butler, was named District Attorney of Albany County. A full brother of Van Buren, Abraham, was chosen Clerk of Columbia County. Other relations of Van Buren were appointed to lesser places. He was copying the Livingstons.

Clinton records that there were "thousands and thousands of office seekers" besieging the Council for places. One of its acts was disgraceful. This was the removal of Gideon Hawley as State Superintendent of Common Schools. In his place was named Welcome Esleeck, "a mere collecting attorney." This was the first blow suffered by the public school system, which had been instituted in 1805 under the patronage and direction of Clinton, the first President of the Public School Society of New York. This

organization owed its existence to two Quakers, John Murray, Jr., and Thomas Eddy, who interested Clinton, then Mayor of New York. Clinton drafted the application for a charter. Governor Lewis featured the request in his annual message to the Legislature in 1805, and recommended a general system of common schools. When the charter was granted, Clinton and Frederick Depeyster made a house-to-house canvass of their friends and obtained $4,910 to carry on the work of public education. Clinton then obtained from the Common Council a grant of the old arsenal for a school, and an appropriation of $2,000. The following year, he induced the State to vote $12,000 outright and an annual subscription of $1,500.

Albany and Troy quickly followed New York's lead. When the system spread, Hawley was made superintendent. Hawley was a pedagogue. He had no interest in politics. He had been appointed on Clinton's recommendation; and that, now, was enough to condemn him.

Protests against Hawley's removal made no impress on either Van Buren or his Council of Appointment. Almost the entire Legislature was incensed at this assault on the public schools, whose worth had already been demonstrated. The legislators could not override the Council and restore Hawley. But they were determined that a scholar and not a sciolist, should direct the instruction of the children of the State.

They achieved their purpose by introducing a bill making the Secretary of State, ex officio, the State Superintendent of Common Schools. The measure passed both houses unanimously, and accordingly the wise and benign influence over the teaching of the rising generation was continued by the talented John Van Ness Yates.

The joint committee, to which the charges of Federal interference in the preceding State election had been referred, reported on March 15 that the National government had never interfered in any State elections. Perjured depositions denying the truth contained in the affidavits submitted by Clinton in his Green Bag message, accompanied the legislative report, which deceived only its authors.

The Legislature again passed a bill for a Constitutional Convention to be held in August, the delegates to be chosen in June,

provided the voters at the annual April election approved the proposal. Once more the lawmakers wrote in a provision that the delegates should have unlimited power to propose amendments.

This time the Council of Revision did not dare to reject the measure. The Bucktail press had likened their disapproval of the first convention bill to the Tories who were denying the ballot to the people of England. The major criticism was visited upon Clinton; and typical of the newspaper attacks was the following: "His Excellency cannot retain the gentry, the judges, and the manors in his interest without he opposes, either openly or clandestinely, every attempt to enlarge the elective franchise."

The efforts of the manorial interests to frighten the freeholders into believing that the extension of suffrage to the propertyless workingman and the tenant-farmer would injure them or their property were vain; for the electors by a vote of more than three to one approved the call of the convention. The returns showed 109,346 for, and 34,901 against.

CHAPTER XXIV

After the April elections Van Buren found himself in an unenviable position. It was announced that King would be a candidate for delegate from his own Assembly District in Queens. Van Buren knew that he had not one chance in a thousand of being elected from a single Assembly District either in Columbia County, where he was born, or in Albany County, where he resided. The removal from the office of Adjutant General of the invalided hero of two wars, Solomon Van Rensselaer, had enraged the people of Albany, the hub of the Manor of Rensselaer. Mass meetings of protest had been held, and sympathy extended to the popular and impoverished relative of the Patroon. And the old General was not without friends and kin in Columbia County. While both counties had given decisive majorities in favor of the convention, they were Dutch to the core, and resented this harsh treatment of a scion of the first of the Patroons.

There were ten counties in the Middle District represented by Van Buren in the Senate for eight years. Eight of these were among what were known as the Dutch counties; and the feeling in Albany and Columbia pervaded the counties of Sullivan, Orange, Greene, Ulster, Schoharie, and Schenectady. Delaware County had so many of the original Dutch stock in it that it would have been playing with fate for Van Buren to seek election as a delegate from either of its two Assembly Districts. The remaining county, Otsego, which was of recent settlement, was composed largely of British stock; and so Van Buren, leader of the Republican party of the State of New York—for Clinton now headed only a minor faction of the party—was forced to seek a nomination there. The safest of the five districts in Otsego was chosen; and he was elected.

The other delegates from Otsego were Joseph Clyde, David Tripp, Ransom Hunt, William Park. All were farmers. From the biographical information compiled by the secretary of the convention, we learn that both of Tripp's parents were English;

Park's were Scotch: Hunt's were Irish: Clyde's mother was English and his father was Scotch. Odd company for Van Buren to seek, he was reminded by his waggish colleagues, who were aware of the traditional solidarity of the Dutch.

The convention was opened in the Assembly Chamber at noon on Tuesday, August 28. One of the delegates from Staten Island was Vice President Tompkins, and to him was accorded the honor of presiding over the body. He was a tragic figure. Although comparatively young, the disgrace attending the review of the shortage in his accounts had prematurely aged him; and as Van Buren had feared two years ago this very month, Tompkins was habitually seeking solace in drink. He was poor; for he entertained up to the last penny that came in. He was low in health because of his habits. Both health and habits were to grow worse with the years; and his closing days were to be spent in trying to keep up appearances while wondering who, among his relatives, would provide the money for next week's living. Had he been dishonest, he could have made several fortunes in the high offices he had held.

The Assembly Chamber was a long rectangular room running north and south. Tompkins sat on a dais flanked by two winding stairs of four narrow steps. The semi-circular seat with its bowed back carried out the line of the graceful handrail supported by banisters, squared and slender. Instead of the ordinary newel posts, the master of cabinetry had made a slight convolution at the base on each balustrade. The two flights of steps were wide apart on the floor, and almost met at the dais. Each stair swelled outward to complete the simple harmony of gentle curves.

The desk of the presiding officer was imbedded in the floor. The lower half of its paneled front served as the back of a seat at which a clerk sat; and before him was a small square-topped table whose pedestal partook of the simple lines of the desk. This masterpiece of a forgotten craftsman was set apart from the rest of the room by a low platform whose outer line formed a half-circle.

When the unknown engraver made the floor plan showing the seating of the delegates, he incised this majestic rostrum which, we feel confident, was of mahogany. The drapery on the wall above was, we are equally certain, of crimson velvet.

The seats were arranged in a semicircle. The delegates sat

facing the east. On their extreme right and left were massive fireplaces. There were four sections of seats, which made five aisles, including those at either end. On the most southerly aisle sat Erastus Root, the third seat from the front. In the same section, but on the inside aisle, in the first row, was Nathan Sanford. Directly across the aisle was his former colleague, the white-haired Rufus King. Two desks behind sat Chancellor Kent; and in the same row, the third seat in, was the Patroon. In the next section, on the aisle seat in the first row, was Van Buren's first preceptor, Francis Silvester, of Kinderhook. His hairs were now silvered; and he was still the same dandy as of yore; but he did not excel in sartorial elegance his old pupil to whom he had lectured years back on the importance of dress. Two rows behind Silvester, also on the aisle, was seated Chief Justice Spencer, his back to the most eloquent member of the convention, Elisha Williams. In the next and last section, in the second row on the aisle, Van Buren had his place.

There were other men of note in the semi-circle: Jacob Rutsen Van Rensselaer, Peter A. Jay, Judge William W. Van Ness, Peter R. Livingston, and James Tallmadge. Van Buren's brother-in-law, Cantine, also had a place within the bar: he was official stenographer to the convention.

While the Bucktails were in the vast majority, it became apparent to Van Buren, even before he began to fraternize with his partisans that he could not dictate to them as he did to the political hacks who were sent to the Legislature. They were of a different type; but he intended to do what he could with them.

Tompkins appointed seven committees to which would be referred proposed amendments dealing with the principal sections of the Constitution, and an eighth to consider all measures not classified.

Several of the most eminent men in the Convention, irreconcilable Clintonians or Federalists, were ignored by Tompkins in making appointments to the four important committees. Among those slighted were Chancellor Kent, Chief Justice Spencer, Elisha Williams, and Peter A. Jay. These committees were to report measures affecting suffrage, the judiciary, the Council of Appointment, and the Council of Revision.

The first important committee to report was the last named.

It recommended that the Council of Revision be abolished, and the veto power vested in the Governor. There were few friends of this archaic combination of the executive, judicial, and legislative branches of government. The convention supported the recommendation. Van Buren did not vote for the proposal on these grounds alone. Thus he explained his vote: "I object to it because it inevitably connects the judiciary, those who, with pure hearts, and sound heads, should preside in the sanctuaries of justice, with the intrigues and collisions of party strife; because it tends to make our judges politicians, and because such has been its practical effect. I am warranted by facts in making this objection." He had a minor objection: he was opposed to judges who were appointed for life, and therefore no longer responsible to the people exercising a veto on legislation passed by men who were elected annually and quadrennially.

Van Buren, as the chairman of the committee dealing with the spoils distributing machine, the Council of Appointment, was the next to report. He recommended that this other relic be abolished.

All were agreed on this. Likewise there was unanimity for the recommendation that the 8,287 military officers, with the exception of the adjutant general, the major generals, and the brigadier generals, be elected by the privates and officers of the various commands.

With as little discussion the convention also voted to empower the Legislature to elect, in joint session, the Secretary of State, the State Treasurer, Comptroller, and other heads of the various departments of the State government.

Van Buren, in submitting his committee's findings, explained that he differed with the majority who favored the election of sheriffs and justices of the peace: he was opposed to the election of any judicial officers. This was the voice of Van Buren the machine leader, not Van Buren the statesman. As he said during the debate which lasted for days on his report, these minor courts heard five times as many cases as all the other courts combined. Consequently the justices of the peace met five times as many people, and, if politically minded, could sway many. And sheriffs, through their deputies, reached into every corner of the State.

During the session of Wednesday, October 3, Van Buren

defended the proposal to create a Council of Appointment consisting of the Governor and six members to be elected from as many districts in the State. And answering the proposal that justices of the peace and sheriffs be elected by the people, he said: "The further this power could be removed from the people the better."

The convention voted down the new type of Council of Appointment, which Spencer said would be worse than the old one.

King was also opposed to the election of sheriffs. He held that as executive officers they should be appointed by the Governor. The justices of the peace, he contended, should be elected. The convention compromised, and decided that justices of the peace should be appointed by the boards of supervisors and the county judges, and that the sheriffs should be elected by the people. Mayors were to be appointed by the common councils of their respective communities, and hundreds of other officers were to be appointed by the local authorities. Those not so disposed of were to be appointed by the Governor, by and with the advice and consent of the Senate, or in such manner as the Legislature might direct.

After shearing the judges of their vast powers as members of the Council of Revision, the Convention took up the question of abolishing the existing judiciary. The majority were for this drastic step, but the Patroon, Rufus King, and others among the more conservative members of the body, opposed it. When Van Buren's ally, Erastus Root, moved an amendment to the judiciary committee's report to remove Spencer and his associates, Van Buren joined the ultra-conservatives in voting down Root's proposal.

The explanation for this action of Van Buren, which astonished his followers, is found in a letter he had written to King praising the Patroon, and urging King to wean him from Clinton and induce him to cast his lot with the Bucktails. The Patroon had been apprehensive alike of the Convention and those who were demanding it. "Although I have not taken a lead in this convention business," wrote Van Buren, "being somewhat timid in all matters of innovation, still I am convinced thoroughly that temperate reform & that only is the motive of those of our friends who urge it most strenuously." This was palaver for the Patroon.

Root hated Clinton and his brother-in-law as much as Van Buren did. Of like cast was Young. So when Matthew Carpenter, friend of Young and Root, a farmer from Tioga County, ignorant of the law, brought in a plan to abolish the old court, and create a new one, all suspected Root and Young of using Carpenter as their agent.

The deep-seated dissatisfaction with the judiciary was voiced by Peter R. Livingston on Saturday, November 3, when he said:

> On the proper establishment of our judiciary depend the life, liberty, and prosperity of this community. . . . When the Council of Appointment was under discussion you found a ghost in every corner; and there was not a man to be found that would advocate its cause for a moment. When the Council of Revision was under review there were ghosts equally numerous; and no man dared defend or advocate its cause; but when the judiciary is under review, the ghost does not appear, but you find the gladiator in every corner, ready to protect and defend it.
>
> I admire the judiciary as much as any other man, when it is worthy of esteem; and I am as willing to assail it when there is just ground for attack. Sir, this State has been degraded and disgraced by the debates which have been had upon this floor. . . . What has disgraced us? Some gentlemen tell us it has been a shuffling and scuffling for office. Not so, sir! It has proceeded from another source. Characters have been permitted to remain in your judiciary department who have been implicated with attempts to procure corrupt laws. It has been that department which has prevented the passage of wholesome laws which the public good required. It has been that department which has given sanction to laws unfriendly to the public good. It has been some of that department who have become notorious in every part of your State in electioneering campaigns; who have repeatedly attended political meetings, and spoken in them over and over again.
>
> I now make an appeal, and an awful appeal it is, to the professional gentlemen of this Convention, whether it has not been the case, that when a man in the country, of any political standing, has had a suit depending at a circuit court, he has not consulted with his counsel, to know what judge was to preside at the circuit; and whether he has not been frequently told, that a political judge was to preside, and it would not do to let the cause come on? Can there be a more *awful picture imagined,* than such a state of things presents?

The Convention created a new judiciary system.

The suffrage question was the major concern of the Con-

vention. To understand Van Buren's attitude on the extension of the ballot during the debates, let us peer into a confidential letter he wrote to John A. King in the last weeks of the deliberations: "I have had at various times to come in severe contact with three distinct interests in the Convention, viz The old Federalists & Clintonians, the New York delegation and the high minded gentlemen and a small number of Mad-caps among the old democrats who think nothing is wise that is not violent, and flatter themselves that they merit Knighthood by assailing everything that is venerable in old institutions."

If Van Buren had named the "Mad-caps" he would have placed Livingston at the top of the list. Van Buren at heart was as thorough a democrat as any extremist on the floor; but he was cultivating the Patroon and Rufus King; and so must needs play the ultra-conservative. Consequently we shall see him advocating a removal of the freehold qualifications of voters, but insisting on certain restrictions on the proletaires, such as the performance of military service or other public work, or the payment of a personalty tax.

During the deliberations on the suffrage extension no one excelled Van Buren in his broad and intimate knowledge of the subject. Not only had he studied the constitutions of the various States, but he was familiar with the intricacies of the British system.

When the suffrage committee recommended the removal of the property qualification with the restrictions enumerated, Chief Justice Spencer, backed by the old Federalists and Clintonians, offered an amendment to keep the election of Senators exclusively in the hands of freeholders. They argued that as the members of the Senate constituted the major part of the Court for the Revision of Errors, property owners should have sole voice in selecting them as had been ordained in 1777.

Spencer, in moving his amendment, said that the sober sense of the community had not demanded the removal of the freehold qualifications, and characterized the proposal as a deep and dangerous innovation.

> By removing these guards we repress industry, frugality, temperance, and all those exertions to the acquisition of landed property, which make good citizens. Are we not jealous of property that we should leave it unprotected? To the beneficence and liberality of those

who have property we owe all the embellishments and the comforts and blessings of life. Who build our churches? Who erect our hospitals? Who raise our school-houses? Those who have property. And are they not entitled to the regard and fostering protection of our laws and Constitution? . . . Let us take care, whilst we nominally give the right of voting to a particular description of our citizens, that we do not in reality give it to their employers. The man who feeds, clothes, and lodges another has a real and absolute control over his will. Say what we may, the man who is dependent on another for his subsistence is not an independent man, and he will vote in subservience to his dictation. . . .

Here it would be profitable to look to that country from which most of us are derived; I mean England. Independently of the rotten boroughs, which send fifty or sixty members to Parliament, and which are owned by individuals, there are districts containing from one hundred to five hundred electors, and sending upwards of one hundred members to the House of Commons, who notoriously and publicly buy their seats by different modes of corruption and bribery. In some places the electors have long been habituated unblushingly to receive for their votes a fixed and standard price. In others, it is managed with more decency; but the corruption is gross and palpable; and who has not heard and read, of the tumults, the riots, the mobs, and the murders attending their elections? At no very remote period, when luxury and vice shall have extended their empire among us, as they assuredly will, may we not expect, if we admit the mass of our adult male population to vote for every branch of the government, to see these disgusting scenes acted among us?

Numerous supporters of Spencer reëchoed his words. Chancellor Kent said that universal suffrage when applied to the legislative and executive departments of government, had been "regarded with terror by the wise men of every age." There was no doubting his sincerity. He wanted to preserve the Senate for the landed interest. "I wish them [the Senators] to be always enabled to say that their freeholders cannot be taxed without their consent." Then he went on:

The apprehended danger from the experiment of universal suffrage . . . is too mighty an excitement for the moral constitution of men to endure. The tendency of universal suffrage is to jeopard the rights of property and the principles of liberty. . . . The growth of the city of New York is enough to startle and awaken those who are

pursuing the *ignis fatuus* of universal suffrage. In 1773 it had 21,000 souls; 1801 it had 60,000 souls; 1806 it had 76,000 souls; 1820 it had 123,000 souls. It is rapidly swelling into the unwieldy population, and with the burdensome pauperism, of an European metropolis. . . . In less than a century, that city, with the operation of universal suffrage, and under skillful direction, will govern this state.

We are destined to become a great manufacturing as well as commercial State. We have already numerous and prosperous factories of one kind or another; and one master-capitalist, with his one hundred apprentices and journeymen and agents and dependents, will bear down at the polls an equal number of farmers of small estates in his vicinity, who cannot safely unite for their common defense. Large manufacturing and mechanical establishments can act in an instant, with the unity and efficacy of disciplined troops.

It is against such combinations, among others, that I think we ought to give to the freeholders, or those who have interest in land, one branch of the Legislature for their asylum and their comfort.

However mischievous the precedent may be in its consequences, or however fatal in its effects, universal suffrage never can be recalled or checked but by the strength of the bayonet. We stand, therefore, at this moment on the brink of fate, on the very edge of the precipice. If we let go our present hold on the Senate, we commit our proudest hopes and our most precious interests to the waves.

Van Ness, too, stressed the fear that the future growth of the cities would menace the safety of the State under universal suffrage, and added: "And what will be the condition of their population? By an irrevocable decree of providence, it is pronounced, 'the poor ye have always with you',—people who have no interest in your institutions, no fixedness of habitation, no property to defend." Others invoked Holy Writ to show that discrimination against the poor was divinely ordained. And Young, whom we have seen citing Scripture to steal a Senate seat, answered these trespassers on his preserves.

"Whom do the gentlemen mean by the epithet poor?" he demanded. "The paupers? They are excluded by every proposition that has been made. Or do they intend to describe that intermediate class of society, between the very poor and the very rich? If they mean the latter, I am prepared to say, and that too with emphasis, that they ought not to be excluded. They are the soundest, the most honest and incorruptible part of your population."

Much was said by the old order against Jacobinism and the condition into which it had plunged France. Livingston could answer that: he had been there when the Chancellor was minister to that country.

"France has been alluded to," said Livingston. "The French Revolution has produced incalculable blessings to that country. Before that revolution one-third of the property of the kingdom was in the hands of the clergy; the rest in the hands of the nobility. Where the interest of one individual has been sacrificed, the interests of thousands have been promoted.

"After dining with that friend of universal liberty, the patriotic La Fayette, he once invited me to walk upon the top of his house, that commanded a view of all the surrounding country. 'Before the revolution,' said he, 'all the farms and hamlets you can see were mine. I am now reduced to a thousand acres, and I exult in the diminution since the happiness of others is promoted by participation.'

"This, sir, is the language of true patriotism; the language of one heart, larger than his possessions, embraced the whole family of man in the circuit of its beneficence. And shall we, with less ample domains, refuse to our poorer neighbors, the common privileges of freemen?"

Others of like mind declared that the people had demanded this extension of suffrage, and that the delegates were in duty bound, by virtue of the action of their constituencies, to vote to abolish the freehold qualification. This gave Elisha Williams an opportunity to mock the apostles of democracy. Said he:

Gentlemen say the people have settled this matter in their primary assemblies. *Vox populi vox dei.* But the worshipers of this deity have certainly a right to know his commands; and they cannot reasonably be censured for hesitating to obey injunctions of which they are ignorant. . . .

One argument which has been pressed upon this committee, I confess I never expected to hear in this hall; it is, that "the people demand this right." . . . Sir, if it be just and safe to confer this right it should be bestowed gratuitously; nothing should be yielded to this menacing demand. If this demand were presented in a different shape—if you were called upon to bestow so much of your freeholds upon these unqualified demandants as would enable them to vote

against you, would you advocate that claim? Would you yield to it?

I know, sir, that one honorable gentleman [Livingston] has pointed out the blessings which would flow from yielding this boon to our brethren in distress. He has witnessed the exultation of the patriot La Fayette, in the victory of republicanism over his own property. The honorable gentleman was taken by the noble marquis to the terrace of the splendid château of Le Grange. Before him, as far as the eye could see, lay the rich domain. "But yesterday," exclaimed the imperial Republican, "this vast territory was my property; it was dotted with cottages filled with my vassals. Mark the blessings of *la grande révolution;* those who were then hewers of wood and drawers of water, the vassals of my estate, are now the legitimate sovereigns of republican France, the lords of their own soil."

How long, Mr. Chairman, if we yield to this demand, will it be, in all human probability, before those who now modestly ask no more than a right to govern our property—they have none but themselves to engross their attention, or require their care—will appear armed with the elective power of the State to consummate to us, the rich blessings conferred on the vassals of Le Grange by the French revolution?

Williams could not let the opportunity pass without a fling at Jefferson, knowing that this would goad the opposition, especially Van Buren, who was ever quoting him. George Bancroft, in his campaign sketch of the public career of Van Buren, said: "Williams . . . had insulted the name of Jefferson." Bancroft, when he penned this unjust charge, was writing a partisan life of Van Buren, and like all engaged in this sort of work, he depicted a lopsided view of the man, omitting highly important incidents that would reflect on the character of his subject, and altering the written word to make his image seem real. Williams had his faults, but they were not the qualities of a cad. His references to Jefferson follow:

Mr. Jefferson has said, sir, that great cities were upon the body politic great sores. In mentioning the name of this illustrious statesman with commendation, I am aware that I may fall under the lash of the honorable gentleman from Richmond [Tompkins] for most certainly I have never been an admirer of the gunboat system. But however that may be, his old adherents and universal admirers, cannot object to his authority, because he may be cited by one who has not assented to all his views; and adopting his sentiment as already

expressed, I would not, certainly I would not, if I could prevent it, carry by absorption, the absorption of those sores through the whole political body.

Williams, too, could be unfair; and he was in his strictures on the cities; for when he had cited Jefferson he added:

These cities are filled with men too rich, or too poor, to fraternize with the yeomen of the country; and I warn my fellow freeholders of the dangers which must attend the surrender of this most inestimable of privileges—this attribute of sovereignty. . . . When dangers threaten to whom must you look for support? Is your militia called for, he who has no interest in your soil swings his pack and is away, leaving the farmer and the farmer's son to abide the draft, and defend the life, liberty, and the property of themselves and the community.

Van Buren reacted as Williams anticipated, and answered in language which would lend a little color to Bancroft's charge. "Sir," said Van Buren, "it is grating to one's feelings to hear a man who had done his country the greatest service, and who at this moment occupies more space in the public mind than any other private citizen in the world, thus spoken of. But no more of this."

Van Buren's main speech on suffrage was made on Tuesday, September 25. He had waited until all of the chief actors in the drama had spoken their big lines. One of his great assets was his capacity to riddle the arguments of an antagonist; another was to develop in dramatic fashion the thought, simply expressed, of another, and make it his own.

The convention stenographer, in transcribing his notes, sometimes wrote as he recorded the words; again he would summarize; and frequently he would report in the third person. He did the last in putting down Van Buren's replies to Spencer and Kent. Answering the Chancellor, he said:

If he could possibly believe that from an extended suffrage there could result any portion of the calamitous consequences which have been so feelingly portrayed, he would repeat the acknowledgment of his respect and regard, he would be the last man in society to vote for it. But believing, as he conscientiously did, that those fears are altogether unfounded, hoping and expecting the happiest results from the abolition of the freehold qualification, and hoping, too, that caution

and circumspection will preside over the settlement of the general right of suffrage which was hereafter to be made, and knowing, besides, that this State, in abolishing the freehold qualifications, would be but uniting herself in the march of principle which has already prevailed in every State of the Union, except two or three, including the royal charter of Rhode Island, he would cheerfully record his vote against the amendment.

Replying to the apprehensions of the Chief Justice that manufacturers would influence the vote of their workers, Van Buren said: ". . . it was a sufficient answer to the argument, that if they were so influenced, they would be enlisted on the same side, which it was the object of the amendment to promote, on the side of property. If not—if they were independent of the influence of their employers, they would be safe depositories [*sic!*] of the right."

This is unmistakably Van Buren. But the historian turned partisan altered the record and made Van Buren say: "If they are so influenced, they will be enlisted on the side of property which you propose to promote; if they are independent of their employers, they will be safe depositaries of the right."

Van Buren ably answered Spencer's fears that England's rotten boroughs would follow in the wake of an extension of suffrage. Bancroft states Van Buren said: "The cause of those corruptions is this: the representation of Great Britain is a representation of territory, not of men." We prefer what Van Buren said, so we will quote him, as the official stenographer did; sometimes in the first, and again in the third person; and leaving the V. B.'s we found there in lieu of Van Buren:

The honorable gentleman from Albany [Mr. Spencer] had next directed their attention to the borough elections in England, as evidence of the consequences which might be expected from the non-adoption of his amendment. Mr. V. B. said he could not, in his view of the subject, on the most mature reflection, have selected an argument better calculated to prove the amendment to be unwise and improper, than the one on which the gentleman mainly relied for its support.

What, sir, said he, was the cause of the corruptions which confessedly prevailed in that portion of the representation in the Parliament of Great Britain? Was it the lowness of the qualifications of the

electors, in comparison with the residue of the country? No. In many of the boroughs a freehold qualification was required; in most, that they should be burgage holders and in all that they should be freemen, paying scot and lot. Compare, said Mr. V. B., these qualifications with those required in Westminster, and it will be found that the lowest of the former are equal to the latter.

It would not be necessary for him to say, that if the will of the people prevailed in any election in England—if patriotism and public spirit was sure to find its appropriate reward anywhere in that country it was at the Westminster elections. The qualifications of the electors, was not the cause, except it was in some instances where the election was confined to a very few, as for instance, to the Mayor and common council of the borough.

But I will tell you, sir, what is the cause: it is because the representation in question, is the representation of things, and not of men; it is because that it is attached to territory, to a village or town, without regard to population; as by the amendment under consideration, it is attempted here to be attached to territory, and to territory only. Suppose for a moment, that the principle upon which the report of the select committee is based, and which the amendment opposes, should be applied to the representation in the parliament of Great Britain, that instead of the present representation it should be apportioned among all their subjects who contribute to the public burthens? Would you hear any complaints from that country on the subject of their rotten boroughs? No, sir; but on the contrary that reform in Parliament would be at once obtained, for which the friends of reform in that devoted country have so long contended, and which they probably never will obtain except—to use the language of the gentleman from Albany—at the point of a bayonet. He could not therefore, but think that the illustration resorted to by the honorable mover of the amendment was most unfortunate to his argument, nor ought he to withhold his thanks for these suggestions.

Van Buren's speeches were like his letters, prolix, yet incisively thorough. He began his argument on suffrage with a mocking reference to the fears of the opposition. He singled out the venerable Chancellor, whose "known candor and purity of character would forbid any one to doubt that he spoke the sentiments of his heart"; and strengthened his followers with this bit of satire:

If a stranger had heard the discussion on this subject, and had been unacquainted with the character of our people, and the

character and standing of those who find it their duty to oppose this measure, he might well have supposed that we were on the point of prostrating with lawless violence one of the fairest and firmest pillars of the Government and of introducing into the sanctuary of the constitution, a mob or a rabble, violent and disorganizing, as were the Jacobins of France; and furious and visionary as the radicals of England are, by some gentlemen supposed to be.

Van Buren then took his hearers through every State of the Union, showing how most of the States lacked freehold qualifications for electors, and that only in South Carolina was a distinction made between the two branches of the Legislature such as that proposed by Spencer.

He showed by the census figures of seven years earlier that of 163,000 electors, more than 75,000 owned freeholds of less than $250, and inquired if this class, composed of professional men, small landholders, and mechanics, should be excluded from representation in the upper house, which had equal power to originate bills, had a negative on all measures, and as the court of last resort, was entrusted with the life, liberty, and property of all citizens. It was to relieve this injustice, he added, that the Convention had been called.

And we will again cite the stenographic record:

There were two words, continued Mr. V. B., which had come into common use with our Revolutionary struggle; words which contained an abridgment of our political rights; words which, at that day, had a talismanic effect; which led our fathers from the bosoms of their families to the tented field; which, for seven long years of toil and suffering, had kept them to their arms, and which finally conducted them to a glorious triumph. They were, taxation and representation; nor did they lose their influence with the close of that struggle. . . .

Apply, said he, for a moment the principles they inculcate to the question under consideration and let its merits be thereby tested. Are those of your citizens represented whose voices are never heard in your Senate? Are those citizens in any degree represented or heard in the formation of your courts of justice, from the highest to the lowest? Was, then, representation in one branch of the Legislature, which by itself can do nothing—which instead of securing to them the blessings of legislation, only enables them to prevent it as an evil, anything more than a shadow? Was it not emphatically keeping the word of promise to the ear and breaking it to the hope? Was it not even less

than the virtual representation with which our fathers were attempted to be appeased by their oppressors? It was even so; and if so, could they, as long as this distinction was retained, hold up their heads, and, without blushing, pretend to be the advocates for that special canon of political rights, that taxation and representation were, and ever should be, indissoluble? He thought not.

In whose name and for whose benefit, were they called upon to disappoint the just expectations of their constituents, and to persevere in what he could not but regard as a violation of principle? It was in the name and for the security of farmers that they were called upon to adopt this measure. This is, indeed, acting in an imposing name, and they who use it knew full well that it was so! It was, continued Mr. V. B., the boast, the pride, and the security of this nation that she had in her bosom a body of men who, for sobriety, integrity, industry, and patriotism, are unequalled by the cultivators of the earth in any other part of the known world. Nay, more: to compare them with men of similar pursuits in other countries was to degrade them. . . . He could not, he said, yield to any man in respect for this invaluable class of our citizens nor in zeal for their support; but how did this matter stand, inquired Mr. V. B., was the allegation that they were violating the wishes and tampering with the security of the farmers founded in fact, or was it merely colorable? Who, he asked, have hitherto constituted the majority of the voters of the State? The farmers—Who had called for and insisted upon the convention? Farmers and freeholders!

He then declared with truth that Spencer's amendment offered no additional security to property, and that its only purpose would be to excite jealousy in those who had no freehold property. Sound policy, he suggested, would dictate the abandonment of restriction. "I believe," he said, "with that elegant and modern writer 'that constitutions are the work of time and not the invention of ingenuity; and that to frame a complete system of government, depending on the habits of reverence and experience, was an attempt as absurd as to build a tree or manufacture an opinion.'"

The debate on suffrage went on intermittently for an entire month. When Spencer's amendment was defeated, Jay moved to include free blacks among the electors. Van Buren opposed this, but finally compromised by admitting negroes with freeholds of the value of $250 or more to the privilege of suffrage, and exempt-

ing from taxation all of their race who could not qualify as voters.

Numerous other extensions were attempted. Root offered one which was regarded as a preliminary to another which would have bestowed suffrage on every male citizen above the age of twenty-one who was not a pauper.

Two days after he made his big speech on suffrage Van Buren declared, without qualification, that he was opposed to universal suffrage. It was necessary that he cater to the prejudices of Rufus King, who with emphasis declared that "such an extent of the elective privilege would be in the highest degree dangerous: no government, ancient or modern, could endure it." The old order had faith in itself.

"We had already reached the verge of universal suffrage," said Van Buren. "There was but one step beyond. And are gentlemen prepared to take that step? We were cheapening this invaluable right." He added that he was disposed to go as far as any man in the extension of "rational liberty," but he could not consent "to undervalue this precious privilege, so far as to confer it with an Undiscriminating hand upon every one, black or white, who would be kind enough to condescend to accept it."

The following day the stenographer recorded that "Mr. Van Buren occupied the floor for some time in expressing his sentiments decidedly against the amendment and against universal suffrage."

Bancroft, who pictured Van Buren as an exponent in the convention of "the government of all by all," does not make a single reference to these strictures on universal suffrage.

There were minor changes also made in the Constitution: the term of the Governor was cut down from three to two years to balance the grant of the exclusive power of veto. This was to make him more responsible to the people. On motion of Livingston, Ulshoeffer's objections to "the speech from the throne" were written into the basic law, by ordaining that the Governor communicate with the Legislature by message.

In reducing the Governor's tenure of office it was provided that the next term would begin on January 1, 1823. This, as had been intended by his foes, shortened by six months the term to which Clinton had been elected.

Van Buren pretended to King that he believed that the

amendments would be defeated; and King, writing to his son John before the voters passed judgment on the work of the Convention, said:

> Van Buren never was zealous, nay has doubted whether the amendments wd. be adopted. In this he has not only been sincere, but individually disinterested, and should the Constitution fail it will possibly create more joy than grief.

It was Van Buren's boast that he studied the currents of public sentiment, and that to encounter them recklessly was inconsistent with the character of a prudent statesman. He had this quality; and he was neither astonished nor grieved when the electors ratified the new Constitution by the overwhelming vote of 75,422 to 33,925.

But the people were not satisfied with the restrictions placed on suffrage and agitation led to the granting of universal suffrage five years later. And nothing but words were exchanged in achieving this great reform; in a monarchy mere agitation for it led to riots and bloodshed.

CHAPTER XXV

The Convention adjourned without delay on November 10; and on the first Monday in December Van Buren took his seat in the Senate of the United States. His activities in the Senate during his first year might be summed up in saying that he attended the sessions regularly and that he seldom missed a meeting of the two important committees of finance and judiciary to which he had been appointed. It was not long before he was elected chairman of the latter, a post he held throughout his career in Congress. But he was more occupied than most of his colleagues. He mingled with every one of importance, called on all the Representatives from New York, and paid especial attention to the followers of Clinton. One of the first he visited was Solomon Van Rensselaer, who had been unanimously elected to the House of Representatives after his removal from the office of Adjutant General by Van Buren's Council of Appointment.

Although Monroe's successor was not to be chosen for another two years, Washington talked little else. Van Buren held his counsel: no one knew where he stood. Some suspected he inclined to John C. Calhoun. Yet in a letter to Johnston Verplanck, in the latter part of December, he did not even mention Calhoun as a possibility: he foresaw the country divided on John Quincy Adams, William H. Crawford, and Henry Clay.

"The present prospect," he wrote, "is that the East will be for Adams the West for Clay & the South for Crawford & it will be for New York by & by to rally enough of them upon the old ground & save the party. To do this with effect it is highly important that she be kept out of the contest as long as that can be done without exposing herself to the danger of distraction at home or subjecting ourselves to the imputation of being governed by selfish motives. How long that can be done I confess I am not prepared to say . . ."

Van Buren's concern is to wait until things have so shaped themselves that New York can dictate the nomination, without,

of course, appearing selfish. The New York Legislature carried out Van Buren's thought, and adopted resolutions that it was inexpedient to act on the Presidential election.

In the middle of December it was gossiped among the New York members that the financial affairs of Solomon Southwick were in bad shape. Southwick, although disgraced in the eyes of the average man after he had been pilloried as a corruptionist, had not lost caste with some of the politicians, who had him appointed Postmaster of Albany. Van Rensselaer learned that the Postmaster General had demanded that Southwick make good the shortage immediately under penalty of removal.

The day after Christmas Van Rensselaer wrote to the Patroon: "Van Buren is very civil, he and all the Bucktails have been to see me. I am on very good terms with them all. . . . The office of Post Master at Albany will become vacant unless he [Southwick] makes deposits to a large amount in the State Bank without delay. . . . The Post Master General is my decided friend, I will also have the support of the Secretary of War [John C. Calhoun]. I think also all the members from our State in our House, Ohio, Kentucky and Tennessee will vote that office to me; and if a strong recommendation comes from Albany, and you write to King and Van Buren in such terms as the occasion will warrant, I think by abandoning politics, with strict regard to my duty, I may sit down in comfort, peace and quietness with an affectionate family the rest of my precarious days."

If the old soldier could get this berth he could, as he put it, sit down in comfort, peace, and quietness for the rest of his days. Southwick had a fixed salary of $2,000, he employed four clerks, two of them at $300 each, another at $800, and a fourth at $150. The last two places were held by sons of Southwick, one a small boy. Van Rensselaer had grown-up sons and daughters who could do some of the work.

On New Year's Eve twenty-two of the twenty-eight Representatives from New York signed a petition to the Postmaster General recommending the appointment of Van Rensselaer on his merit, and because of "an ardent wish that a brave and wounded soldier may be sheltered from the storms of adversity, and may with his family find a solace to his afflictions in the gratitude of his country."

Four days later, when Van Buren learned of these efforts, he and Rufus King wrote to Postmaster General Meigs asking him to delay making an appointment until "all concerned" could be heard. Meigs called on President Monroe and said that he had made up his mind to appoint Van Rensselaer unless he had objections. Monroe replied that he had none, but would like to consult the Secretary of the Navy, Smith Thompson.

Thompson, after he heard the President, objected strongly, but Monroe looked for more than a mere objection. Thompson immediately informed Van Buren and Vice President Tompkins of his conversation with the President. And—as Adams wrote in his diary—Tompkins later in the day "broke out into the most violent language against the President himself, and in the presence of a person who he must have known would report all he said to him."

The following day Meigs replied briefly to Van Buren and King, intimating strongly that he would appoint Van Rensselaer "without delay." Instantly Van Buren, King, and the Vice President held a council of war: Van Buren was determined that he was to dictate all Federal appointments in New York State as he did all local appointments at home.

Under the law, the President had no voice in the appointment of Deputy Postmasters. This was exclusively within the province of the Postmaster General. It should be also borne in mind that officially the President knew nothing of the affair. But at this council the trio were resolved that the President must be dragged into the case and the administration stampeded into forcing Meigs not to appoint Van Rensselaer. Accordingly all three signed a letter to Meigs requesting delay, and adding: "Should you think proper to comply with our request we propose two weeks as the requisite time, and in that event you will please inform us whether the consideration of the question is still with the President, in order that the citizens of Albany may be informed to whom their communication may be addressed. We request the favor of your answer in time to enable us to make the requisite communication by the next mail."

Never before had a Vice President of the United States and two United States Senators made an issue of a minor appointment. The President, on being shown the letter, summoned his

Cabinet to meet immediately. The heads of all the departments of the government on reaching the President's office were relieved to learn that there were no other hostilities impending than the Clinton-Van Buren war.

At the Cabinet conference Meigs gave the President his reasons for deciding on Van Rensselaer. He further said that no other candidate had been presented for his consideration. Thompson, Secretary of the Navy, inquired if John Lansing, New York's former Chancellor, had not been recommended to him. Meigs answered no, and observed that Lansing was nearly seventy years of age. Meigs spoke the truth. Van Rensselaer had stolen a march on Van Buren.

Adams, then Secretary of State, inquired if there would be any inconvenience in delaying the appointment for a fortnight. Meigs said there would; that Southwick would in the meantime be receiving the money of the public, and the longer he remained in office the greater would be the amount of his delinquency. Adams asked if his deputy could not be authorized to act in the interval. Meigs said his deputy was of his own family and would be under his control. Meigs then left the room and the President said that "he thought it very questionable whether he ought to interfere in the case at all."

A heated discussion followed. Thompson insisted that Van Rensselaer should not be appointed. Wirt declared with equal vigor that this was the era of good feeling, and that there were no political divisions in the land, and that there were no parties. The meeting adjourned without any decision being reached.

The Cabinet meeting was held on Friday, January 5. On the same day Van Buren wrote his aides in Albany directing them to shower memorials on the President protesting against the appointment of Van Rensselaer. The first on Van Buren's list of correspondents is Knower, Marcy's father-in-law. One memorial is to be signed by the citizens of Albany, and is to "state simply the respectability &c. of the chancellor, and the desire to see him provided for." A more elaborate petition is to be prepared by the Republican members of the legislature. Van Buren reveals his motives in opposing Van Rensselaer with Lansing, saying:

We thought proper to present the name of Chancellor Lansing. By we I mean the vice-president, Mr. King, and myself. The Presi-

dent being personally acquainted with the chancellor, and entertaining a personal regard for him we thought it the most likely mode to defeat the appointment of V. R. . . .

Van Buren directs that the memorial shall stress "that whatever may be deemed a fit course at this time on the question of removing federalists from office on the ground of their politics, you think that all other matters equal, a republican should be preferred for a new appointment on that ground only."

He is emphatic that this be done, adding: "I would present that question distinctly to the president, that we may know hereafter what we are to expect." He cautions them not to be offensive in their language, and to phrase the petition "with the utmost delicacy and respect." This, he notes, is extremely important; for "if the petition should in the least degree wear the aspect of threatening or scolding, it would be ruinous." Yet, at the same time, he directs that the Republicans in the Legislature speak with firmness, and as if conscious of their rights and regardful of their duties.

Van Buren also wants letters sent to the Bucktail members in Congress protesting "in such terms as are not offensive" against their recommending Van Rensselaer for the place. "By this means I propose we may defeat V.R.'s appointment," continues Van Buren. He is anxious that Knower show Southwick the correspondence with Meigs so "that he may know that we had not sought his removal."

The next night Van Buren called a meeting of the Republican Congressmen from New York. He protested against their signing Van Rensselaer's petition, and persuaded eleven to sign an appeal addressed "To the President of the United States" asking for delay. And Van Buren the same day informed Knower that he and Tompkins were prepared to prevent the appointment by a personal appeal to the President "and put the question on such political ground that the people of the United States may distinctly understand what principles prevail in that department of the government, and may take measures necessary to a wholesale reform. . . . I am for taking the bull by the horns at once, and if our friends at home sustain us, we will effect it." Van Buren would "reform" the Post Office Department in the interests of the spoils system.

The following morning the President washed his hands of the sordid scramble for place in a short note to Van Buren. Monroe wrote that the law did not contemplate that the President should have any agency in the appointment of deputy postmasters, and that he deemed it "improper to interfere." Meigs appointed Van Rensselaer.

Van Buren felt that his prestige had been hurt by the incident. He would not let it rest. In a letter to Charles E. Dudley, marked private, dated January 10, he directed that public meetings be held in Albany to protest against the action of Meigs, and to center all their fire on him, but not to criticize any other officer of the National government. Attacks were immediately made on Meigs. The tone of them is reflected in this line from Dudley to Van Buren: "No other atonement can be made, in my opinion, to the injured feelings of the republicans of this state than by the president's removing the post-master-general [*sic!*] from office."

Four nights after the Van Burenites held their meeting, the Clintonians held one at which Lieutenant Governor Tayler and others spoke. Philip S. Parker said, "That Mr. King, a high-toned federalist and ci-devant leader of the party, should object to the appointment of General Van Rensselaer because he was a federalist is truly remarkable." Parker added that it was "a fact very notorious, in this city and state, that the vice president and Mr. Van Buren . . . contributed much to the election of Mr. King to the senate of the United States, notwithstanding he was a Federalist."

After reading the Bucktail attacks on the administration, Calhoun told Walter Patterson, a New York member, that they were disgraceful. Patterson, writing to Van Rensselaer, said: "Van Buren is determined, if possible, to remove the Post Master General but he has not the *power*, though he possesses the *will*."

Van Buren was planting the seeds of New York's spoils system in the Nation's Capital; but the night air of several winters must nurture this singular and noxious plant to make it bloom in the larger field.

CHAPTER XXVI

The setback to Van Buren's political prestige made him none the less welcome socially. His courtly manner, short stature, and yellow locks were familiar to every drawing room in Washington. A widower, not yet forty, well-to-do, and a member of the Senate, is a highly desirable addition to the invitation list of the most discriminating hostess.

"There is here," wrote Rufus King in a gossipy letter to his son John, "a Miss Randolph, granddaughter of Mr. Jefferson; about whom the young members of Congress collect, and with them V. B."

Of course V. B. was none other than his yellow-haired colleague from New York. But to let King continue the gossip:

"She is intelligent and more interesting for her education and literature than for beauty, or the manners of good society."

The truth is that she shocked King by asking the Marine Band to play a popular song of the day at a quadrille party at Colonel Henderson's. Van Buren with his yellow locks was there. And thus King described the dreadful *faux pas:*

"During a few days since at Col. Henderson's, the Marine Band was present, and Miss Randolph, requested to name the music, called for the Yellow-haired Laddie &c, &c—"

When King reached the second &c he was mute at the thought that the daughter of a Governor of Virginia, and the granddaughter of a President of the United States, could so forget the conventions. The very title of the ballad pointed to King's colleague. There was a suggestion of playful raillery of Van Buren in her request; for the song concerned a love-sick rustic, and fickle to boot. The first two verses ran:

> In April, when primroses paint the sweet plain,
> And summer approaching rejoiceth the swain,
> The yellow-hair'd laddie would oftentimes go
> To wilds and deep glens, where the hawthorn trees grow.

> There, under the shade of an old sacred thorn,
> With freedom he sung his loves, evening and morn;
> He sang with so soft and enchanting a sound
> That Sylvans and Fairies unseen danc'd around.

The sprightly miss who made King wonder what the growing generation was coming to, was Ellen Wayles Randolph, one of the gracious daughters of Martha Jefferson and Thomas Mann Randolph. She and her two sisters, Mary and Cornelia, who never married, and their parents, were frequently guests of Van Buren; and the Randolphs often played host to the yellow-haired laddie.

Van Buren grew enamored of Washington society. When Root inquired if he would accept the office of Chief Justice of New York's Supreme Court, he replied, a day or so after the party at Henderson's: "To your question respecting the Chief Justice (with proper impressions of your friendly feelings in the matter) I answer no. The situation in which by the favor of the state I have been placed is perfectly satisfactory to me, and whatever others may from time to time have for mischievous purposes suggested, I have not had, nor have I now, the least disposition to change it. . . ."

The same thought is repeated on February 18 in a letter to Worth: ". . . *I have an entire aversion to the place of Gov^r*.—I have seen enough of state politics for many years—*I have made my debut here and am abundantly satisfied*—The situation I occupy is precisely the one which at this moment is most agreeable to me & I am determined not to quit it voluntarily." Even the Governorship could not lure him from Washington and its gay society.

In the middle of March Van Buren journeyed to Richmond to visit Governor Randolph, the father of the sprightly Ellen. Politics, chiefly, was the subject of the interview.

This visit was noted in the Washington dispatches to the metropolitan press. The New York members of Congress, in letters home, made the trip the basis of a report that he was affianced to one of Jefferson's granddaughters. Spencer, a week or so after Van Buren returned to Washington, wrote: ". . . Rumor with her hundred tongues says that you are going to Europe; that you are going to be married &^c. I suppose both are equally true."

Almost simultaneously he received a letter from Michael Ulshoeffer which began with a reference to the trip to Virginia and then continued: "Whilst the politicians asserted that you had undertaken that journey with views of a political aspect, others circulated a report that you had gone to consummate a matrimonial scheme. One set believed that there was a great plot to revive the republican party (which they vainly hope cannot be sustained on the old grounds) and that Jefferson & Madison are to be engaged in it. The others said that the object of your journey, was a beautiful & accomplished young lady, not distantly related to the Governor of Virginia, and that an alliance of portentous consequences was thus to be formed between the 'ancient dominion' and this 'great state,'—But whatever may have been the dreadful design of your visit, I rejoice at your safe return . . ."

Van Buren was too busy with politics to think of love; but he was fond of Ellen, of whom he speaks twice in his political memoirs. In the following January he was conversing with her at a party given by the French minister when Rufus King, seeing her shoe-string trailing, dropped on his knee and retied it. Van Buren felt ashamed at his own "unprompt gallantry." In describing this incident, Van Buren refers to her as "a very interesting young lady—the granddaughter of Mr. Jefferson and my warm friend."

The other reference concerns his visit to Monticello with his political ally, Senator Mahlon Dickerson, later Governor of New Jersey. After speaking of their first day at the home of Jefferson, he says: "On the next and subsequent days, leaving the Governor [Dickerson] to be entertained by our host's granddaughter, an accomplished and very agreeable lady, now Mrs. [Joseph] Coolidge, of Boston, (whose future husband paid his first visit to her while we were at Monticello) we employed our mornings in drives about the neighborhood."

Before the session ended Van Buren found himself deep in Presidential politics. But no one was certain just where he stood. The Patroon, from his seat in Congress, wrote to his predecessor on April 9: "Col. [John] Williams [Senator from Tennessee] is in favor of Crawford, he is the favourite at present, being a Virginian; that State will be in his favor unless they see a prospect

for Clay as President. V. Buren was, when he arrived here, a Calhoun man. . . . Governor Clinton I think is rising in public estimation the more they appreciate his character. I have endeavored to remove their objections; they represent him as an intriguer, and as dangerous a man as *Burr* was. If he retires a few years, his weight of character will be acknowledged and he will rise."

Congress adjourned on May 8 to the first Monday in December. Van Buren's only speech of moment was in opposition to a disputed Louisiana land claim on February 12. On his return to Albany he reformed friendships with many who had been estranged by his conduct in the matter of the postmastership; and in time he and Solomon Van Rensselaer shook hands.

In the first week of July there was a turtle feast at Cruttenden's tavern, Albany's largest inn. Edward Livingston, Senator from Van Buren's district, "sat between Mawne [Harmanus] Bleecker and Mat. Van Buren, and received from the latter sundry protestations &c." From another letter of Livingston to Hoyt we learn that "Gibbons the butcher wants to be mayor of Albany, and Southwick governor." Which caused the irrepressible Edward to exclaim: "Huzza for universal suffrage!" And he expresses the fervent wish that it be mixed with a little universal knowledge and honesty.

Southwick was not nominated by the Republicans; but that did not prevent him from nominating himself. He obtained only a handful of votes against Judge Joseph C. Yates, who had the united support of the Clintonians and the Van Burenites.

Clinton, of course, had no choice but to retire, as Van Buren controlled the nominating machinery. Van Buren, in short, was master; only a moral issue, ably presented to the people, could overcome the thoroughly drilled corps of electioneers at Van Buren's call.

All that remained to Clinton in the shape of public place when the hour of midnight was tolled on December 31, 1822, was his office as Canal Commissioner. There was no money in this for him. The Patroon, too, served without pay. The other Commissioners were paid for their services.

Clinton accepted his fate cheerfully. He could always make a living. He would have more leisure now for his literary and scientific work. He was president of these learned bodies: the

Academy of Fine Arts, the Literary and Philosophical Society, and the New York Historical Society. His enemies could not cry down his talents, so they ridiculed them, and nowhere with more effect than in the *Opera Minora of the Poetae Bucktailici*, which had made its appearance in the winter of 1819-1820. To quote a fragment:

> 'Tis Dr. Clinton, our State's chief reliance,
> A paragon of learning, wit and science,
> Skilled in all arts, the Crichton of our day . . .

This volume, familiarly known as *The Bucktail Bards*, was all the more effective for having a semblance of impartiality. In the introduction we read: "Corruption has erected her court on the heights of the Hudson, in the avenues of Albany, in the lobby of the legislature. . . . Her throne was the lobby—the ermine her cloke [*sic!*]—banks were her playthings—bribes were her sugar plums." When the book came out Van Buren was asked by Johnston Verplanck to distribute them in Albany "to annoy Clinton." The authors—the work appeared anonymously—were Gulian Crommelin Verplanck and John Duer. They penned the first bit of verse on Van Buren in the following couplet:

> What schemes to Master Clinton's ruin,
> The fertile brain of Mat was brewing.

Shortly before Clinton retired from the Governorship he answered his critics with a volume of letters which had appeared periodically in the New York *Statesman*, and entitled: "Letters on the Natural History and Internal Resources of the State of New York." The book was what its title indicated. Yet it was more: manners and customs were described, and throughout its pages were interspersed subtle assaults on his foes, literary and political.

Following the custom of the times, Clinton concealed his identity behind a nom de plume. He assumed the rôle of a visitor from Ireland, and signed himself *Hibernicus*.

"I hardly understand the nomenclature of parties," wrote Clinton. "They are all republicans, and yet a portion of the people assume the title of republican, as an exclusive right, or patent monopoly. They are all federalists, that is, in favor of a

general government—and yet a part arrogate to themselves this appellation to the disparagement of the others. It is easy to see that the difference is nominal—that the whole controversy is about office, and that the country is constantly assailed by ambitious demagogues for the purpose of gratifying their cupidity. It is a melancholy, but true reflection on human nature, that the smaller the difference the greater the animosity. . . . I have often asked some of the leading politicians of this country, what constituted the real points of discrimination between the Republicans and Federalists, and I never could get a satisfactory answer. An artful man will lay hold of words if he cannot of things, in order to promote his views."

And then this biting observation on the High Minded: "There are some who are continually oscillating between parties . . . In order to cover their turpitude, they assume high sounding names, and are in verity political partisans, laying claims to be high minded, and like Jupiter on Olympus, elevated above the atmosphere of common beings. And what adds infinitely to the force of these pretensions, is to find the most of these gentry to be the heroes of petty strife, and the leaders of village vexation, the fag ends of the learned professions, and the outcasts of reputable associations."

He praised the occasional productions of America's scientific men, who are attacked immediately "by the witlings, the poetasters, and the sciolists of the country, who unite to run down merit which they cannot imitate. . . . Dr. [David] Hosack has been assailed by the low buffoonery of literary punchinellos and shallow-pated coxcombs. When in company with the savants of my native country . . . I never heard the names of [Gulian Crommelin] Verplanck and . . . [John] Duer . . . until I landed on these shores."

The immediate purpose of these letters was to show how the Canal would lessen the cost of transportation, thereby benefiting not only the State, but the nation. And this he hurled at the foes of the project: "To see the profligate attempts to arrest this great system of public improvement, in order to elevate obscure pettifoggers, and miserable drivellers, is really calculated to excite more than common sensibility."

Had Clinton been as thorough a politician as he was a philoso-

pher, he would not have retired before Van Buren. But throughout his public career he mocked his enemies in phrases that stung and lacerated. In his retirement he could find consolation in the last line of the twenty-sixth letter of his *Hibernicus:* "A combination of smatterers in literature, of sciolists in knowledge, of pretenders to public spirit, and of all that is little and contemptible, against all that is great and respectable can never prevail in an enlightened and patriotic country." Clinton had more than one proof of the truth of this: he was to have more.

CHAPTER XXVII

Van Buren began his second session in Washington with concerns for his political machine in New York. Reports reached him that Governor Yates was inclined to be independent. Rumors reached Yates that Van Buren had boasted he would dictate the policy of the Governor. Yates was angry. Van Buren denied that he had voiced any such sentiment. In the same letter he recommended that the Governor appoint Jacob Sutherland and William A. Duer Associate Justices of the new Supreme Court. He made no suggestion regarding the office of Chief Justice, which Spencer was holding until the reorganized judiciary took office on August 10.

Yates threw the recommendations into the waste paper basket, and sent to the Senate the names of three of the sitting judges, including that of Chief Justice Spencer, Clinton's brother-in-law. Van Buren had no personal feeling against Spencer. They corresponded regularly. But it was war to the knife against all Clintonians. Nor had he any ill-will toward the other nominees, Jonas Platt and John Woodworth. Van Buren could not control Yates, but he did control the Senate, which promptly rejected the Governor's nominations by a vote that was almost unanimous.

Yates learned a lesson quickly. The next day he sent to the Senate the names of two of Van Buren's aides, Sutherland and John Savage, together with one of his own selection, Samuel R. Betts. Savage, who was State Comptroller, he named for the place of Chief Justice. The Senate confirmed the two Van Burenites, and rejected Betts.

Yates thought this unfair; he had given the lion's share to Van Buren, whose followers did not seem willing to let him have even a crumb. He had resolved not to name Duer. Knowing that Van Buren was cultivating the friendship of the Patroon, Yates nominated the Patroon's brother-in-law a second time. The Senate had Van Buren's permission to confirm the appointment.

Duer, who had invoked Van Buren's aid, again writes to him. He is now seeking a place on the circuit bench. He complains that the Van Burenites had raised the cry "against the high minded" —he had been one. "Even your friend [Levi] Beardsley I hear is against the high minded appointments," said Duer. He believes that if he will solicit aid among the Senators he may be confirmed, as Yates, anxious to appoint men of capacity, will send in his name. This grandson of the Earl of Stirling, who cast his lot with the Revolutionists, shrinks from begging for the place, much as he wants it, and gives this reason: "To me the indelicacy of electioneering with Senators is insurmountable . . . perhaps you may be disposed to exert your influence in my behalf with your friends in the Senate."

Van Buren did the work from which Duer shrunk and made him a judge in the last week of April. He also permitted the Senate to confirm Yates's friend Betts as a circuit judge.

While Van Buren was being solicited by his followers in New York for jobs, his brother-in-law, Moses I. Cantine, died. This left the editorship of the *Argus* vacant, the official organ of Van Buren and his immediate aides, who were becoming known as the Albany Regency. Van Buren asked Hoyt to seek a suitable successor to Cantine. "Under no circumstances," he wrote, "ought any one to be appointed who is not a sound, practicable, and above all, discreet Republican. Without a paper thus edited at Albany we may hang our harps on the willows."

The chief of Van Buren's editorial corps in New York City, Mordecai M. Noah, then editing the *Advocate*, sought the place of State Printer, which Cantine held. On encountering considerable opposition, Noah protested to Hoyt. "I am not so certain that I can be defeated—but if so, I am willing to hazard a defeat, reserving to myself the right of spreading the facts before the world, and exhibiting the system of peddling away the patronage of the State," wrote Noah.

The main opposition to Noah came from the Republicans in his own city. Ulshoeffer and other Tammany leaders were annoyed by his dictatorial manner. Ulshoeffer confidentially inquired at this time if Noah was authorized to say "as he does in his paper, that all who are not his friends had better stay at home or not offer their names at Albany this winter."

Noah was not appointed State Printer; and he did not spread before the world the system of peddling away the patronage of the State—nor did any one else. Van Buren mollified him by having him nominated for Sheriff of New York, a place to which he had been appointed before his patron left for Washington. He was the last Sheriff under the appointive system. He was an able editor, and the first of his race to attain high distinction in the field of journalism in this country. He had a good style and a ready wit. When objections were made to his being appointed Sheriff on the pretense that it would not be fitting for a Jew to hang a Christian, Noah retorted: "Pretty Christians to require hanging at all!" A few months after he was defeated for Sheriff, Tammany elected him Grand Sachem, thanks to Van Buren's friendly offices.

There was a streak of the grotesque in Noah. He professed a belief that the Indians were the descendants of one of the lost tribes of Israel. In September, 1825, during one of his droll moments he decked himself out in crimson and ermine, hired a band, and led a procession through the streets of Buffalo, and thence to Grand Island. There, with much ceremony, he laid the corner stone of what he said would be a new city, which he called Ararat, in commemoration of the landing of the earlier Noah on the Assyrian mountains after the deluge. But the editor of the *Advocate* was unable to persuade either his own people, or the Indians, to carry out his fantastic scheme for a new Jerusalem of which he was to be king, with a capital on an island in the river above Niagara Falls.

To the *Advocate* all Washington turned in the early part of 1823 to see if Noah was saying anything new about the Presidency. No one could get a word from Van Buren, but from the persistency with which Noah advocated the nomination of Crawford, and his attacks on all who showed a contrary preference, it was assumed that Van Buren was for Crawford.

There was considerable demand for a Northern man, as Virginia had monopolized the office since the formation of the Republic. Vice President Tompkins was out of consideration; but the other New York member of the administration, Secretary Thompson, was quietly eyeing the grand prize.

On the night of February 1 Thompson called on Van Buren

at Bradley's boarding house, and together they visited King, who also lodged there. They talked of the news from Albany, and then Thompson asked if it was not time that the New York Legislature showed an interest in the next President. Van Buren responded that the legislators showed a clear opinion in favor of delay at the last session, and in taking a definite stand now, with the campaign a year away, they might be charged with inconsistency. Thompson replied that several States had actually nominated candidates since that time, and that there was no analogy between last winter and the present. Van Buren declined to assent to this, and displayed a disinclination to continue the discussion. Thompson changed the subject.

Van Buren left the room for a minute. Thompson turned to King and said: "When you shall ascertain Van Buren's preference among the candidates, you must let me know it." Thompson recalled that Noah's paper was constantly talking Crawford, and that every one in Washington believed Noah reflected Van Buren's opinion. When they heard Van Buren returning Thompson hurriedly repeated his request that King tell him where Van Buren stood on the Presidency, adding that Van Buren continued to keep his preference dark. As Van Buren entered, King said: "We are speaking of the *Advocate's* being the index of your opinions and preferences." Van Buren was not to be caught. He continued them in the dark.

After Thompson departed, Van Buren, who had been reflecting on Thompson's urging that New York take a stand on the Presidency, observed that Thompson seemed willing to be a contender for the office. King agreed, and suggested that Van Buren talk the subject over with his old friend.

Two days later, which was the first Sunday in February, Van Buren told King that he had thought much on the subject; that he did not see his way clear; and that he never engaged in anything which he could not see his way through.

Congress adjourned on March 3. The following day Van Buren told Thompson frankly the contest lay chiefly between Crawford and Adams, and that if he sought the Presidency he would find opposition in his own State; but that he might aspire, with some degree of success, to the Vice Presidency. Thompson replied that he might succeed Brockholst Livingston on the

United States Supreme Court Bench. Livingston was nearing the end.

That night, it being the end of the session, much wine was consumed in Bradley's boarding house. One of the diners was the son of Thomas Tillotson, who had sat in Van Buren's seat in Congress. Young Tillotson and Van Buren had more than their share of the wine.

The wine had robbed Van Buren of his usual caution. Tillotson chid Van Buren with being unfriendly to his cousin, Edward Livingston—who had sat between Mawne Bleecker and Van Buren at the turtle feast last July, and listened to sundry protestations from the latter. And Livingston's kinsman then declared that Edward was sure to be reëlected to the State Senate, let Van Buren do as he would.

Van Buren bristled up at this challenge. He denied that Livingston could succeed against his influence—even in Columbia County. Van Buren recalled how he had helped Tillotson's kinsman to be elected to the State Senate; yet, when Van Buren's brother was a candidate for the nomination for Surrogate of Columbia County, and he sought delegates in Livingston's own town, Livingston was neuter.

Van Buren was very rarely in this condition. He was probably very contrite on awakening in the morning; for he did not oppose Livingston when he was reëlected that fall, the new State Constitution having moved the election of legislators forward.

On his return to New York the dispatches told of the passing of Associate Justice Livingston. He advised Thompson to accept Livingston's place if it were offered to him. Thompson replied that his health would not endure the cloistered atmosphere of the bench; and if Monroe offered it to him, he would recommend Van Buren for this high honor. Van Buren's heart beat faster. Other correspondence passed between the two; and on the night of Good Friday, Van Buren called on King at Jamaica for aid and advice. All that remained, according to Thompson's last letter, was Van Buren's acceptance of the offer when the President appointed him.

Van Buren was accompanied by Ulshoeffer. Both listened while King dwelt on the importance, authority, dignity, and independence of the office; and stressed that this high place pre-

cluded expectations of ulterior advancement, and demanded complete divorcement from party or personal politics. King then recalled that all knew that Van Buren was engaged deeply in party politics, and that if he succeeded Livingston he must dissolve all political ties.

Van Buren was confident that he could do all this. Still King was not satisfied. He emphasized that the dissolution of all contacts with the political world must be absolute; that entering the temple of justice was like taking the vow and veil in the Catholic Church; and unless Van Buren was confident that he had the strength to do this, he must not consider the Supreme Court for a moment.

Ulshoeffer concurred. Van Buren in assenting expressed confidence in his firmness to renounce the political world on taking the oath of office of a member of the United States Supreme Court.

Van Buren and Ulshoeffer remained with King over night. King promised to see Van Buren in the city on Easter Sunday, but a snow storm prevented his making the trip. It was not until Tuesday, April 1, that King kept the appointment.

Van Buren in the meantime had answered the last letter of Thompson; but in accordance with a promise to King, he withheld posting his reply until the older man had seen it.

King was not satisfied, and altered the letter so as to exclude the thought that Van Buren was seeking the office. In it he acknowledged his acti 'ty in party politics, and avowed himself ready to sever all political ties when offered the appointment. To induce an early decision Thompson was reminded that the Presidential question would soon assume a distinct shape, and that Van Buren, from his standing in the party, could not avoid this under present circumstances.

At Van Buren's suggestion, King wrote letters to the President and to the Secretary of State. King dispatched his brief note to Adams immediately: the second half of it reading: "*The appointment would not only be good, but better than any other which could be made from this State.* In other respects, the measure will be important, and, if elected without delay, may perhaps be decisive. This communication could not be delayed."

In the italicized sentence King emphasized that Van Buren

was worthier of the office than Thompson, Spencer, and other New Yorkers mentioned for the place. The next phrase pleased King, who observed as he read it over: "If Mr. Adams has a good nose, he can be at no loss for my object."

It did not require even a good nose to sense that Van Buren's appointment would give Adams a great advantage in New York by removing from the political arena Crawford's ablest ally in the East. Adams, who always spoke his mind, recorded in his diary that in a conversation with the Patroon he said that "Mr. Van Buren was a man of great talents and good principles, but he had suffered them to be too much warped by party spirit."

King's praise of Van Buren, in his letter to the President, reads: ". . . Men of all parties agree that Mr. Van Buren possesses superior talents, much legal acumen, and great public experience; that on difficult occasions he has shewn uncommon sagacity and decision of character; in affairs, in which the purity of men's motives has sometimes appeared doubtful, the disinterested, open, and decided proceedings of Mr. Van Buren have constantly protected his integrity from suspicion; so that in this respect no man stands on higher ground, and in all other respects, no one is better qualified for a high and difficult judicial station."

King added that Van Buren possessed the prudence which might be required "in reconciling and adjusting the powers of the General and State Governments—a reconciliation that from year to year becomes more critical; and which can be effected by no other means than by the prudent exercise of the powers of the national Judiciary."

He noted that appointments to this high court should be made with the utmost caution; and observed that this had not always been the case. After dwelling on the importance of the bench in its relation to the preservation of the public liberties, he added:

"We must not forget that the wisdom of other Departments is inadequate to supply a defect of the Judiciary. We are therefore all responsible, and the President and Senate above all others, that the Supreme Court be so composed, that the Master Spirit of the Chief Justice may not die, but by the appointment from time to time of able & prudent men, may be rendered perpetual. With these views, in a matter that so deeply concerns the public

welfare, I offer no apology in urging you with earnestness and sincerity to name Van Buren as the successor of Mr. Livingston."

On April 6 Thompson wrote to Van Buren: "I submitted to the President confidentially your letter. He informed me that no appointment would be made in some time: as it could not be made in time for the Spring Courts, there was no necessity for acting at present. He said nothing from which I could gather his intentions in relation to the appointment. I think he is quite undecided and means to take due time for consideration."

The next day Adams wrote to Rufus King that Thompson had not communicated with the President on the subject, and King at once transmitted the information to Van Buren.

Something had gone wrong in Washington. Van Buren saw through it at once and wrote Thompson pointedly: "If you will excuse me for troubling you further on this subject I will be glad to be informed, whether your declension has been definite & whether Mr. Monroe so understands it."

Adams, who agreed with all that King had said of Van Buren's talents and availability, was the first to suspect that Thompson was deceiving Van Buren. Van Buren hinted at the same suspicion in a letter to King, written the day before he addressed Thompson: "Habitual indecision and intercourse with court parasites make great havoc in the capacity of a man to behave well on special occasions."

Adams was thoroughly disgusted with the course of Thompson. Adams, who was kept constantly advised by King, went directly to Monroe and asked if Thompson had given him a definite answer to his tender of the appointment to the bench. This was a month after Thompson had written to Van Buren that he had declined and had recommended him in his stead. The President replied that Thompson had not.

Adams when he next saw Thompson told him what the President had said. Caught in this web of his own weaving, Thompson penned a weak explanation to Van Buren. It was now clear to Van Buren and his friends that Thompson had changed his mind and wanted the place for himself.

The incident was now closed with Van Buren, save to tender his thanks to King. He could not write to Adams, as he was

acting as a friend of King. In expressing his gratitude Van Buren said:

". . . If as you seemed to think you owed any duty to the public in relation to this mater [*sic!*] it appears to me that what you have already done amounts to a full discharge of the claims of private friendship. With the President I do not see that any further communication can with propriety be had, & M^r^. A^s^. disposition needs no improvement. The conduct of the latter gentleman [Adams] has made a most favorable impression on my mind of which I hope one day to be able to give him suitable proof. . . ."

In the middle of the summer Van Buren received this brief note from Thompson: "Nothing has as yet been definitely decided relative to the filling of the vacancy on the Bench of the S. Court. My present object is to enquire of you whether after what has passed between you & myself on the subject you think I could with propriety, as it respects yourself, take the office?"

Van Buren, following King's advice, made a most reserved reply. He again told Thompson, as he had early in the spring, to accept the place; and prefaced a profession of friendship with this barbed line: "This opinion, and this advice, my dear sir, are not changed by anything that has since taken place between us." And Thompson, after whom Van Buren had named his last child, was appointed Livingston's successor.

Thus ended another of Van Buren's dreams of renouncing the world of politics.

CHAPTER XXVIII

Some four weeks before Van Buren received Thompson's letter, he took his two oldest children to Jamaica, leaving the younger with Rufus King's family, where he lived while attending school in the Long Island village. The guest of the Kings was John, now in his thirteenth year, destined to be the Prince John of his and his father's enemies. Godkin truly said that Prince John could sway a popular audience almost better than any man of his day. His brother, Abraham, three years his senior, was being indulged a bit by his father before he began his studies at West Point.

We will leave the two boys and return with Van Buren to Albany. His law practice required his attention, and yet he must canvass for Crawford. Van Buren was anticipating an indecisive vote in the Electoral College which would throw the election of Monroe's successor into the House of Representatives: he had predicted its possibility to both Thompson and King early in the year.

He was determined, however, that New York's Electors would be pledged to Crawford. To effect this he sought the nomination of candidates for the Assembly and Senate favorable to a Congressional Caucus. The anti-Crawford men were against the Caucus.

Hard-thinking men everywhere were beginning to see that the nomination of candidates for President and Vice President by a caucus of national legislators and the naming of Presidential Electors by State legislators menaced the Republic. In a letter to his son John, King characterized the system as irregular, and said that if continued, it might "bring about a pernicious change in favor of a hereditary Presidency. . . . We must choose the electors by the people or the public liberties will be lost."

Through some secret channel this thought of King—though not ascribed to him—went through the State like wild-fire, and was made the sole article of faith of a new political group, the

People's Party. Among some of the Van Burenites, now derisively called the Regency Party, groundless fears were entertained that the object of the new party was to project Clinton for President.

Candidates both for the Senate and for the Assembly were nominated by the new party; and many who received their nominations from Republican conventions pledged themselves to support a law giving to the people the privilege of choosing the Presidential Electors.

In New York City the Republican candidates were defeated by the People's Party nominees, who were supported by the Clintonians. A majority of the Assembly was pledged to the reform. But in the Senate, where only one-fourth of the membership changed each year, the people were unable to make their voices effectively felt through the polls. One of the new Senators chosen, and pledged to vote for the popular measure was Silas Wright.

Van Buren departed for Washington at the end of November. He left a plan in the hands of his regents to defeat the popular will in the matter of choosing Presidential Electors when the subject came before them. The Albany Regency, now in its second year, consisted of Roger Skinner, United States District Judge; Talcott, Attorney General; and Edwin Croswell, who succeeded Cantine as State Printer; Knower, Marcy, and Butler. With the exception of Croswell, all had been members since its organization a year earlier.

The first Monday in December in the year 1823 marked the beginning of the month. On Tuesday Congress listened to a brief message from the President which has gone down in history as the Monroe Doctrine. The two Senators from Tennessee did not hear this immortal document read; they did not take their seats until Friday. The junior member was Andrew Jackson. Eyes were politely turned on the new member, who had been placed in nomination for the Presidency some seven months ago by a mass-meeting in his own State. His colleague was his friend and biographer, John H. Eaton, who had entered the Senate with Van Buren.

Jackson was not a stranger in the halls of Congress. When Tennessee had but one member of the House of Representatives, he constituted her entire delegation. This was in 1796, when Philadelphia was the capital. The next year he was elected to the

Senate, but in April of 1798, after six months in the Upper House, he was excused from sitting the remainder of the term. Worries over financial embarrassments and dislike of the life inspired his return home. He resigned soon after.

Van Buren was now the acknowledged leader in the nation of the Crawford campaign; and to use his own words, he now "made his début in the art and business of President-making." It was an art and business which he was to develop to a state defying improvement—or reform. But he was now only getting his hand in the national game, and he described his first essay as "a rough and tumble Presidential Canvass."

The New York delegation was concerned with what Governor Yates would say in his annual message in recommending an immediate change in New York's election law. In the second week of January a newspaper containing the communication arrived at Bradley's boarding house as Van Buren and his friends had finished dinner. The Patroon had joined the distinguished mess over which Rufus King presided at the beginning of the session; and others who sat at the table included Andrew Stevenson, then a member of the House, and the spokesman of the Virginia Dynasty in its campaign to elect Crawford; and Louis McLane, Delaware's lone Representative, who also looked to Van Buren for direction.

King asked that the Governor's message be read aloud. Yates had shown a certain degree of independence of the Regency, and it was confidently expected that he would recommend the popular election of Presidential Electors. Stevenson was chosen to read the message. King, his face beaming with smiles of anticipation, spread out his embroidered handkerchief on the tablecloth, and rested his arms on it, as was his custom. But as the Virginian proceeded, the smiles gave way to a fixed frown of dismay. "No practical remedy probably does exist," read Stevenson, "competent to remove the evil effectually, except by an amendment to the national Constitution." And there was more of the same tenor, which could be thus summed up: "I recommend that the State law remain as it stands."

King suspected what all Albany at that very moment was saying: Yates had been promised the Vice Presidency by the Regency. Knower, the Chief Regent, was credited with having

persuaded the Governor to abandon the people and embrace the Regency. When Stevenson finished reading, King turned to Van Buren with: "I think, Mr. Van Buren, that Mr. Crawford's friends ought to send the Governor a drawing of the Vice President's chair."

This was more than Van Buren had expected, and fencing for time, he inquired the reason.

"Because," said King, whose temper had now risen in protest against the evasion, "I presume they have promised its possession to him."

Knower, who accomplished some things without Van Buren's knowledge, had achieved this by way of a pleasant surprise to the Director of the Albany Regency. Van Buren in the same respectful tone used by King, but with voice also surcharged with suppressed anger, replied that he could not say what allurements had been held out to Yates by friends of other candidates, but that he was quite sure that Mr. Crawford's friends had not made any promises. This was a weak rejoinder, but the best he could make in the circumstances.

"I hope so," said King incredulously.

"I know so!" exclaimed Van Buren heatedly.

King picked up his handkerchief, and walked out of the dining room without uttering another word. He remained incommunicado in his room the rest of the evening, and absented himself from the breakfast table the following morning. Toward evening he was in a forgiving mood, and conscious that he had, in a measure, provoked Van Buren, made his apologies.

Van Buren saw that the chances of Crawford would be poor unless Clay could be induced to take second place on the ticket. He made efforts to this end through his friend and colleague from Missouri, Senator Thomas H. Benton, related to Clay by marriage. Failing here, he adopted Pennsylvania's most distinguished citizen, Albert Gallatin. This alliance, he hoped, would turn Pennsylvania to Crawford.

Van Buren did not regard Jackson as a formidable candidate: he was the son of penniless emigrants from Ireland, of little schooling, and without diplomatic or Cabinet experience. The only assets he possessed which the others did not have, were a reckless courage, and golden spurs won on the field of battle.

Crawford's greatest strength was his indorsement by the Virginia Dynasty; but Van Buren would have liked to have Monroe outspoken in his preference for his Secretary of the Treasury. The President made no attempt to dictate.

At the very outset of the session Van Buren told Calhoun what his course would be. He had tried to induce Clay to accept second place on the Crawford ticket, so that he was not regarded as hostile in the Clay camp. And if Clay and Calhoun failed, as he apprehended Crawford would, he was on intimate terms with Adams. With the exception of Jackson, no one regarded any of the other dozen or so contenders as worthy of consideration. And Jackson, in Van Buren's opinion, lacked the means to acquire the republican purple.

There was weakness, as well as strength, in Van Buren's choice for second place. No worthier citizen did the land boast than Gallatin; yet he was foreign-born, the scion of *la plus ancienne famille de Genève*—as Voltaire said in a letter introducing Gallatin's father-in-law to the Comte d'Argental in 1761, the year of Gallatin's birth. Soldiers were these Swiss Gallatins, of whom Voltaire wrote: "They have shed their blood for us from father to son since the time of *Henri Quatre*."

Gallatin lost his parents when a child; and was brought up by his grandmother, Madame de Gallatin-Vaudenet. When he was nineteen she announced proudly that she had obtained a commission for him in the army of the Landgrave of Hesse-Cassel. "I won't serve a tyrant!" exclaimed the youth, who after recovering from a box on the ears emigrated here with a very small fortune. He made Massachusetts his home, and embraced the cause of the Revolution. A brief residence in Virginia was followed by his settling in Pennsylvania, whose Legislature, in February, 1793, elected him to the United States Senate.

His political adversaries raised the cry that he was not technically a citizen of the United States under the laws of Pennsylvania, and induced the Senate, by a vote of 14 to 12, to declare his election void. This unjust act was committed February 28, 1794. The following year he was elected to the House of Representatives, where no question was raised of his citizenship. He continued as a member of the House until 1801 when Jefferson appointed him Secretary of the Treasury.

Gallatin was a financier. He held the Treasury post until the spring of 1813 when Madison sent him abroad to negotiate a treaty of peace with England. Before his departure, finding the Treasury empty, he saved the nation from bankruptcy by making terms with the banking house of Parish and Girard, through the aid of John Jacob Astor. After the signing of the Treaty of Ghent, Gallatin was appointed Minister to France.

He had returned with his family to the United States in the preceding June. He married the daughter of an American naval officer, Commander James Nicholson, grandson of Sir Francis Nicholson, a Colonial Governor of Virginia and of Maryland. Gallatin's long career in public life prevented him from making the fortune to which his talents entitled him. And because he held offices of great trust he once said at the family table: "A man holding the position I have must not die rich." He might have known poverty if his wife had not inherited a little money.

This rigid honesty was the dominating note of Gallatin's life. Astor several times tried to induce him to quit politics and reënter business. Once Astor offered to take him into partnership with a fifth share in a business then netting $100,000 a year. Gallatin respected Astor, and always felt indebted to him for the big part he played in saving the country from bankruptcy, but he confided to his family that he could never place himself on the same level with Astor.

The first of the Astors was a trial to the Gallatins. They dreaded the evenings he dined with them. From the diary of Gallatin's son we learn that on one occasion Astor horrified the family by poking peas into his mouth with a knife; and to show his dexterity, he followed this by eating his ice cream with the knife. This was in America. But in France Astor outdid himself. It was on the day that the daughter of the Gallatins, Frances, was given a lesson by her dancing mistress in "how to curtsy and to back without tumbling over." Her delightful brother, who noted his sister's preparations for her début at court, also wrote in his diary:

Really Mr. Astor is dreadful. He came to déjeuner to-day; we were simply en famille, he sitting next to Frances. He actually wiped his fingers on the sleeves of her fresh white spencer. Mamma in dis-

JOHN VAN BUREN
After an engraving by J. C. Buttre

creet tones said, "Oh, Mr. Astor, I must apologize; they have forgotten to give you a serviette." I think he felt foolish.

Gallatin's admirer, Walter Lowrie, the senior Senator from Pennsylvania, was the most active advocate of the venerable diplomat. Van Buren made his decision respecting Gallatin immediately after New Year's, and Gallatin arrived in Washington almost simultaneously with the printed reports of Yates's message.

Gallatin found Congress immersed in the approaching canvass. The most important measures before the two houses involved proposed amendments to the Constitution affecting the election of President and Vice President: four were in the Senate; one of these was sponsored by Van Buren. His proposal varied in two particulars from the existing law.

One novelty ordained that if the Electoral College did not make a choice on the first ballot, it should vote again, confining its selection to the two highest. This was intended to eliminate the House of Representatives as a factor in deciding a Presidential contest, a device "deemed objectionable by all the States, on the ground that it jeopardizes the purity of the election, and exposes the whole system to danger by affording facilities to the corruption of a part." In advocating his plan Van Buren endeared himself to the South as an extreme State-rights man, and defined the Union as a league of sovereign States upon equal terms.

The second change proposed was offered by Van Buren to give his Regency an excuse for refusing to invest the people with the power of choosing New York's Presidential Electors. Van Buren's amendment would confer this grant on the voters of the country,—after the impending Presidential election was a matter of history.

In five other States the Legislatures also chose Presidential Electors. Van Buren was for this reform; but he did not want any change while the present canvass was in progress. His objection to immediate reform in New York was fear of Jackson at the polls. Clinton had declared for the hero of New Orleans; and he would return to power if he could carry the State for Jackson, provided the Tennesseean did the seemingly impossible by defeat-

ing the field. The people could not be controlled with the ease with which intriguing men sway legislatures; hence the temporary halt of the march of progress.

Van Buren was flying in the face of popular wrath. But he had nothing immediately at stake. His term would not run out for three years. The danger menaced only the members of the Assembly who would follow the Regency's dictation, and the Senators whose tenure of office expired that year. He was not so much concerned over the Governor: he had not proven tractable. And Van Buren was hoping, after the manner of politicians, that the anger of the electors could be diverted from the Regency. It is easy to erect a scarecrow.

The clamor against the Congressional Caucus was growing. Van Buren was also for this change,—but not for the present, as it would likewise interfere with his plans. In the preceding year the Legislature of Tennessee had adopted resolutions condemning the evil, and transmitted a copy to the Senate of the State of New York.

This was, of course, a subtle plea for Jackson's candidature, to which Van Buren's organ, the *Argus*, responded: "He is respected as a gallant soldier, but he stands, in the minds of the people of this State, at an immeasurable distance from the Executive Chair."

Van Buren answered the clamor against the Congressional Caucus defiantly on February 6, by issuing a call for one to be held in the Representatives' Chamber on the evening of Valentine's Day. This call bore the signatures of six Senators and five Representatives from as many States. Simultaneously appeared a card signed by twenty-four members of Congress, representing fifteen of the twenty-four States of the Union in which it was asserted that of the two hundred and sixty-one members of Congress there were at least one hundred and eighty-one who deemed it "inexpedient, under existing circumstances to meet in a caucus" to nominate a national ticket. The preponderating majority in the opposition represented Adams, Calhoun, Clay, and Jackson.

Van Buren and his supporters were dubbed the Radicals, or Rads; and on the day named in the call, the *Republican*, a Washington journal favoring Calhoun, published a column of

amusing jingle ridiculing the caucus. The metrical satire opened with:

Wend you with the Rads to-night—
Sixty-five perchance they'll muster—
There will be none of mind or might,
But some three score in a fluster.
General Chandler will be there—
Tough as steel and bold as Hector—
Basset, with Virginia air—
Van the Albany Director.
Forsyth, with his foreign graces—
Edwards, Williams, in a stew—
Plotting brains and dirty faces,
With the blushes reddening through—
Shallow knaves, with forms to mock us,
Straggling, one by one, to Caucus.

The poet had predicted in his second line that "sixty-five perchance," would be at the Caucus. There were sixty-six present; two were represented by proxies. The smallness of numbers made some, who fancied that more could be mustered if they had time, move to adjourn for six weeks. Van Buren successfully opposed the motion. It would not do to have the entire sixty-eight for Crawford. Accordingly two were cast for Adams, one for Jackson, and one for the dean of Senate, Nathaniel Macon, of North Carolina.

In the balloting for Vice President the same ruse was observed, Gallatin receiving fifty-seven; two to Root of New York, and the other seven were scattered among as many candidates.

This Congressional Caucus was the least representative of its kind. Of the sixty-eight who attended or were represented by proxy, forty-eight were from four States: New York, Virginia, North Carolina, and Georgia. Its last act before adjournment was to adopt the traditional resolutions recommending the nominees to the suffrage of the voters.

It was, as Van Buren characterized it, a rough and tumble canvass, and nowhere more so than in his own State. And he whose boast it was that he never entered upon anything unless he could see his way through, could only blunder in the general direction of his goal.

Good news continued to come from Albany: the Regency was holding the Senate firm against the bill empowering the people to choose Presidential Electors. The Assembly had passed the measure with only five votes recorded against it.

The Senate did not dare defeat the measure outright; but deferred action until the Legislature met again on the first Monday in November to choose Presidential Electors.

The Assemblymen who were members of the People's Party met on April 7 and issued a call for a convention to be held in Utica to nominate a Governor and Lieutenant Governor.

Two days later the Clintonians held a mass meeting in New York City at which Jackson was nominated for President.

And Yates, who had incurred the resentment of the people by advocating the Regency's recommendations to let the electoral law remain, suddenly found himself rejected by the combination at a legislative caucus which nominated Senator Young for Governor. Yates, who had had the promise of the Vice Presidency whispered in his ears a few short weeks back, now found himself the scapegoat of the Regency. Yates maintained an ominous silence.

On April 12, the last day of the session, the Regency, drunk with power, introduced a resolution removing Clinton from the Canal Board. Clinton had but three friends in the Senate; they alone voted against this wantonly cruel measure.

When the proposal reached the Assembly, the Lower House became a bedlam. The Regency had done some fine work among the representatives of the People's Party in the popular branch of the Legislature: it had assiduously spread the false report that the new party was Clinton's personal machine, and its leaders were secretly working to make him President.

Two Assemblymen occupied singular positions: they belonged to no party; they had nominated themselves. One was John Crary of Washington County; the other was Henry Cunningham of Montgomery County. They led the opposition to Clinton's removal.

Cunningham had never attended a school of any sort, but he had a native eloquence that gripped his audience. He described the Senate resolution as born of black ingratitude and base design, and engendered in the feelings of malice. He referred to

the unimpeachable character of Clinton, whose reputation could not be destroyed by a few leading partisans of the day. Then he continued:

> When the contemptible party strifes of the present day shall have passed by, and the political bargainers and jugglers, who now hang round this capital for subsistence, shall be overwhelmed and forgotten in their own insignificance—when the gentle breeze shall pass over the tomb of that great man, carrying with it the just tribute of honor and praise which is now withheld—the pen of the future historian, in better days and in better times, will do him justice, and erect to his memory a proud monument of fame as imperishable as the splendid works which owe their origin to his genius and perseverance.
>
> Sir, I have done—and I have only to beseech every honorable gentleman on this floor, to weigh and consider well the consequences of the vote he is about to give on this important question. It is probably the last that will be given this session, and I pray God it may be such as will not disgrace us in the eyes of our constituents.

The Regency had its way, and Clinton was retired to private life.

In the language of Hammond, "the news of this outrage operated like an electric shock on the whole community." Newspapers not directly controlled by the Regency voiced the spirit of the State. "We very much doubt," said the *Daily Advertiser*, "whether the annals of party spirit, in the most impassioned period of their violence and rancor, contain so unworthy an act as this . . . which not merely disgraces those by whom it was adopted, but degrades and discredits the character of the State." And this in the *Evening Post* of April 15: "The envenomed malignity . . . must cause the cheek of every honorable man who calls himself a New Yorker to glow with a blush of shame and indignation."

No one was more grieved or surprised than Van Buren. Judge Skinner, who had an intense personal dislike for Clinton, was the author of the plot.

As the session of Congress neared its end, King, who was inclined to favor Adams, wrote to his son John: "V. B. says all things are going well for Crawford, but he sees what I cannot." And this on Jackson: "Jackson continues to observe & maintain the dignified course which he has done throughout our session,

and has certainly given not a few proofs of his firmness and capacity beyond what was anticipated." This was praise from Cæsar.

Congress adjourned May 27. And Van Buren's legislative record was a little less uneventful than in his previous sessions. The most controversial measure considered was the protective tariff, which Clay, from his vantage as Speaker of the House, placed on the statute books under the label of "The American System." Van Buren voted for it. A proposal to permit Great Britain to search ships flying the Stars and Stripes to put an end to this subterfuge by slavers, was defeated in the closing days of Congress. Again Van Buren was with the majority.

One measure revealed to his colleagues a side to Van Buren unknown outside of New York. It was in the last weeks of the session. Henry M. Johnson, of Kentucky, had introduced a bill abolishing imprisonment for debt: it was in essentials the same measure Van Buren had introduced as a new member of the Senate of the State of New York.

For another nine years Johnson fought for this humane bill before it was enacted into law. Van Buren was ever his staunch ally, and, largely through his influence, it became part of the Federal Code.

Instead of going on to New York at the close of the session Van Buren made a pilgrimage to Monticello. He was accompanied, as we have seen, by Senator Dickerson. Jefferson received them both with "unaffected cordiality," concealing the suffering that debts inflict on a sensitive mind. Jefferson was almost penniless. He recalled the tempestuous times of Adams's administration, —the Reign of Terror—when Dickerson, then Recorder of Philadelphia, walked arm in arm to prison with Dr. Thomas Cooper, the educator, a victim of the Alien and Sedition Laws.

What impressed Van Buren most forcibly about his "beau ideal of thorough patriotism and accomplished statesmanship" was the utter absence of any partisan or personal prejudices in Jefferson's reminiscences of his political battles. In discussing the Bank of the United States, Jefferson animadverted on the decisions of the United States Supreme Court in this institution's favor, which, he held, tended to subvert the republican principles

of the Government. Van Buren heard him denounce the life tenure of the offices of members of the court as an error.

Jefferson's remedy was the annual appointment of the justices, which prevailed in the New England States: he would be content with tenures of four or even six years, trusting to experience for future reductions.

Van Buren could not subscribe to these views, which he thought extremely Jacobinical, but he lived "to subscribe to their general correctness."

Jefferson was then in his eighty-first year, and Van Buren was forty-two. Thirty years later, in reverting to Jefferson's strictures on life-terms for judges, he wrote:

> The experience of ages proves that with exceptions too few to impair the rule, men can not be held to the performance of delegated political trust without a continued and practical responsibility to those for whose benefit it is conferred. The theory of the independence of the Sovereign in the case of the Judges in England, which we have copied, entirely fails when applied to us. There they are rendered independent of the Crown to secure their fidelity to the public against the influence of the power to which they owe their appointment; here their life-tenure renders them independent of the People for whose service they are appointed. Irresponsible power of itself excites distrust, and sooner or later causes, on the part of its possessor, an impatience of popular control and, in the sequel, a desire to counteract popular will. The only effectual and safe remedy will be to amend the constitution so as to make the office elective, and thus compel the Judges, like the incumbents of the Executive and Legislative departments, to come before the people at stated and reasonable periods for a renewal of their commissions.

There was much discussion of other days and other men. In Jefferson's estimation, John Adams, father of John Quincy Adams, was the most effective orator of the Revolution; and he instanced the omission of his name from the list of blanket pardons which George III tendered to the revolting Colonists in corroboration.

In discussing partisan differences he would say "the Republicans" did this, and "Hamilton" did that. To him Hamilton was the head and heart of the Federalists. Once he roundly condemned an act of the opposition, and when Van Buren inquired if Hamil-

ton was responsible, Jefferson replied: "No! He was above such things!" Jefferson spoke of Hamilton as more anti-republican than any of his contemporaries, and "as a man of generous feelings and sincere in his political opinions."

While in the ample library Van Buren saw a volume entitled: "Libels." Taking it from the shelf he noted that it consisted of attacks on Jefferson clipped from newspapers. Jefferson laughed heartily as his guest exhibited the volume, and observed that it was his good fortune to be, in an unusual degree, indifferent to the groundless attacks to which men in public life are exposed. Van Buren was of the same mold.

As they were leaving, Jefferson pressed them to stay several days longer. Van Buren replied that he must return to Washington to attend the opening session of the special committee of the House which was investigating charges that Crawford had culpably mismanaged the public funds. Ninian Edwards, of Illinois, who had resigned his seat in the Senate during the session to accept the mission to Mexico, had originally made the accusation in a series of anonymous newspaper articles the year before; and while en route to Mexico he sent these stories to the Speaker of the House of Representatives with a letter acknowledging the authorship. He said that the charges could be proven if the House investigated. Jefferson knew the keen interest of both in the investigation, and said that he would take the liberty of an old man to give them some advice on the subject of being in a hurry. Van Buren thus recorded it:

> The first fifty years of his life had been harassed by the habit of thinking it indispensable that things should be done at a certain time and engagements kept to the moment; but upon summing up results he had found that his punctuality had proved a losing business and that in a thousand instances things would have gone on rather better if he had given himself more latitude and that subsequently he had adopted a different, and as the result had satisfied him, a wiser rule.

After an affectionate farewell Dickerson and Van Buren started on their journey.

In accordance with a promise he made, Van Buren forwarded a pamphlet to Jefferson, who in thanking him, repeated in writing

what he had said to Van Buren of the feelings of himself and other old Republicans toward Washington, and of the efforts of the malevolent to persuade the first President that Jefferson entertained ill-will toward him. "He," wrote Jefferson, "lived too short a time after and too much withdrawn from information to correct the views into which he had been deluded, and the continued assiduities of the party drew him into the vortex of their intemperate career, separated him still further from his real friends, and excited him to actions and expressions of dissatisfaction which grieved them but could not loosen their affection from him. They would not suffer the temporary aberration to weigh against the immeasurable merits of his life, and altho' they tumbled his seducers from their places they preserved his memory embalmed in their hearts with undiminished love and devotion, and there it forever will remain embalmed, in entire oblivion of every temporary thing which might cloud the glories of his splendid life."

CHAPTER XXIX

Van Buren might well have wished himself on the Supreme Court bench, or anywhere else than in politics, when he returned to New York. The State was in a turmoil. Clinton's removal from the Canal Board had made a martyr of him. Meetings of protest had been held throughout the State, and more were planned. In New York City ten thousand assembled to voice their indignation and to groan: "Regency! Regency! Regency!"

He met men on the streets wearing vests on which were printed in wood blocks the features of their choice for President. Most of these novel campaign standards were of silk, and those least able to afford them wore silken waistcoats stamped with the likeness of Jackson. There seemed as many Adamses as Crawfords; and Clays were also popular. The Calhouns were a drug on the market, the South Carolinian having withdrawn from the contest.

The barroom of nearly every tavern in the State had pasted on its walls a printed list of the names of the seventeen Senators whose votes prevented the people from choosing the Presidential Electors. Under the names of the seventeen was a legend reciting how Livingston, in moving postponement, had said that the demand did not come from the people, but from barroom politicians.

If the people had only stopped with printing lists of the seventeen and pasting them on barroom walls Van Buren would not have minded; but they took old clothes and stuffed them with straw, and labeled them Silas Wright, Edward P. Livingston, or any other name of the seventeen which struck their fancy. Some of these stuffed Senators were hanged, and some were burned. Many of these effigies wore waistcoats with the face of Crawford printed on them. These were not burned: they dangled ignobly from branches of trees on the public highways until cut down by partisans. And on many a farm the swaying scarecrow in the cornfield had a card stitched to its ragged coat on which was written "Regency!"

In the midst of all this Yates dropped his rôle of the placid scapegoat and turned avenger by issuing a proclamation convoking the Legislature in extraordinary session on August 2 to consider the Presidential Electors bill. After reciting the history of the measure, he said that the people were justly alarmed by having "their undoubted right" withheld from them; therefore, to enable their representatives to carry their wishes into effect, he had summoned the lawmakers to undo the wrong.

Van Buren in replying to Jefferson's letter, from which we have quoted, wrote: "Our Gov^r. has utterly ruined the little standing he had left, and unintentionally rendered us essential service by his proclamation. . . . The Legislature will do nothing that they ought not to do."

Van Buren could speak for the Senate, which could negative any act of the Assembly. The Legislature met in accordance with the Governor's proclamation; and after listening to his message, the Senate adopted resolutions censuring the Executive for convoking the Legislature to consider a measure on which they had acted at the regular session. A second resolve called for immediate adjournment.

The Assembly concurred in the censure of the Governor, but by a vote of seventy-five to forty-four, adopted a resolution demanding that the popular demand be met. But on this there could be no agreement, and on the fourth day of their sitting, the Legislature adjourned to meet in November to choose the Presidential Electors.

Meanwhile a steady campaign was being waged in the opposition press directed at Crawford's running mate because of his foreign birth. This unjust attack on Gallatin was an appeal to the prejudices of the native-born.

These same journals then turned around and appealed to the passions of the foreign-born by reprinting a puerile passage from a report submitted by Crawford in 1816 to President Madison telling of his department's efforts to civilize the Indians. The much quoted excerpt reads:

> If the system already devised has not produced all the effects which were expected from it, new experiments ought to be made; when every effort to introduce among them [the Indians] ideas of exclusive property in things real as well as personal shall fail, let

intermarriages between them and the whites be encouraged by the Government. This cannot fail to preserve the race, with the modifications necessary to the enjoyment of civil liberty and social happiness. It is believed, that the principles of humanity in this instance, are in harmonious concert with the true interests of the nation. It will redound more to national honor to incorporate, by a humane and benevolent policy, the natives of our forests in the great American family of freedom, than to receive, with open arms, the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues.

In Pennsylvania, where the people elected the Presidential Electors, the turbulent John Binns, with a view to rousing his fellow Irish against Crawford, printed this humorous explanation of Crawford's plan: "Possibly the gentleman is for an amalgamation of the wild Irish with the tame savages to produce fit subjects for his reign when he becomes President."

Crawford made no reply. Attacks made on his rivals were likewise received in silence. It was not the custom then for a man seeking high office to campaign for votes, all being governed by that admirable dictum of Aristotle: "Nor is it right that any one who is found worthy of the office should be obliged to make a personal canvass, as the right man ought to fill the office whether he wishes or not." This precept, while observed, generally permitted issues to be discussed, and prevented personalities from affecting the decision of the people. But the campaign of 1824 was without an issue: it was a contest of personalities. Theoretically the era of good feeling still existed; there was only one national political party, but there were many factions.

Politics were forgotten for a brief time when La Fayette landed at the Battery and began a triumphal tour throughout the country as the guest of the nation. Old now was this hero of many battles, and there was a perceptible limp in his walk: that old wound he received at the Battle of Brandywine was bothering him. It was not as a Marquis of France that he was welcomed, but as a General of the American Revolution.

The latter half of the third week in September he arrived in Albany, where Spencer, no longer Chief Justice, was Mayor. Solomon Van Rensselaer, as marshal of the day, received the Revolutionary hero; and on the last evening of his stay, La

Fayette, escorted by dragoons and infantry, visited the home of De Witt Clinton who had a residence at the capital. Here he remained an hour. This honor was accorded Clinton because La Fayette and Clinton's uncle had been brothers-in-arms. Then he called at the home of the Patroon's poor kinsman, where the widow of another Van Rensselaer, who had fought beside him, was expecting the call. And he reminded the old lady—as though she could have forgotten it!—of a bitterly cold winter day in 1778, when both were very young. The snow covered the ground, and she was distressed to see him wearing a pair of white silk stockings and silver-buckled shoes: he would freeze if he did not wear some warm woolen *koussen*. She smiled gratefully as he repeated the Dutch word she had used that wintry day nearly half a century ago; and remembered vividly his pulling the coarse thick woolen hose, which she had knitted, over his silk stockings.

Escorted by horse and foot, La Fayette went to the home of John Tayler, the former Lieutenant Governor, an old Revolutionary hero too. To Cruttenden's tavern La Fayette went next, where he received a deputation of his Royal Arch brethren; and his last visit was to the house of Governor Yates.

Long after La Fayette waved his hat as the steamboat bore southward, the tar barrels which lined Albany's streets were blazing, the lurid flames lending fantastic tones to the flowers and greens festooned from the windows of the houses.

The following Tuesday the People's Party met in convention at Utica, and chose John Tayler president. The delegates were elected by the people at informal primary meetings to nominate a Governor and Lieutenant Governor pledged to reform the electoral law. James Tallmadge, a relation of Clinton by marriage, was placed in nomination for Governor, but the convention could not agree on him. John W. Taylor, of Saratoga, sometime Speaker of the House of Representatives, was next proposed, but a neighbor of his read a letter saying that he would not accept a nomination.

There was strong support for Clinton among the hundred and twenty-two delegates; but the New York City delegation and the People's Party men in the Legislature were opposed to him. The metropolitan supporters of Clinton were largely Jackson men.

It was known to all, although no formal announcement had been made, that Clinton would run for Governor regardless of what the Utica convention did. His platform would read: "Reform the Electoral Law; Banish Caucus Nominations." That, too, would be the appeal of the choice of the People's Party.

Toward the end of the second day delegates who did not share the hatred of Clinton that envenomed the former New York Bucktails, put his name before the convention, and nominated him by a large majority. Tallmadge was chosen as his running mate.

Twenty bolted and held a rump convention. But they were faced with a most unusual situation. They did not want Clinton, and they could not support Young, the Regency candidate, who had been nominated at a legislative caucus, a procedure which was formally and unanimously condemned by resolution after Tallmadge had been named. They could not, without leaving themselves open to a charge of treachery to the cause of election law reform, place a third candidate in the field. So they contented themselves with adopting a protest against Clinton's nomination and indorsing Tallmadge for Lieutenant Governor.

The Nativism campaign bore its fruit shortly after the nomination of Clinton, and following a series of conferences with Lowrie and other intimates, Gallatin wrote to Lowrie declining the nomination for Vice President, and forwarded copies to Stevenson and Van Buren. The letters were dated and posted October 2.

In his letter of self-effacement, Gallatin made no reference to the clamors of the mob which drove him from the field. He was willing to stand if Van Buren and Lowrie and Stevenson thought his withdrawal "may prove . . . injurious to the success of the Republican ticket."

He wrote that the time being short, they need not consult with him further, but were to use their discretion in making public his declension. They did not wait long; Gallatin's home State, which Van Buren had counted on carrying because he was on the ticket, was almost solidly for Jackson for President.

On the morning of Election Day a small crowd were waiting outside the polling place where Van Buren was to cast his vote. As he approached the group, he was received with the cry of

"Regency! Regency! Regency!" Van Buren set his jaws; his face crimsoned at the affronts.

Into the polling place he went and nearly a score followed, still shouting: "Regency! Regency! Regency!" Before he could cast his ballot there were a dozen challenges of his vote. The Clintonian watchers tried to persuade their angry partisans to withdraw the protests which were predicated on the absurd ground that he was not a *bona fide* resident. But not one could be induced to withdraw his challenge, even when reminded that Van Buren represented the State in the United States Senate. For the second time in his life Van Buren was forced into the humiliating position of taking the prescribed oath before he could vote.

Van Buren retired that night a little downcast. No such manifestation as he had encountered at the polls could be ascribed to local feeling: it was, as he believed, a reflex of the sentiment of the State. The next morning at breakfast, Judge Skinner brought returns which confirmed his worst suspicions.

Van Buren went on eating, but listlessly. Skinner was not in any mood to talk, and without removing his cloak, he went to the window and looked out on the passers-by on State street. His heart was sad, not so much at the Regency's defeat, but with Clinton's victory. Why had he removed him from the Canal Board? He had made him a martyr, and he was responsible for Clinton's triumph. Clinton was dead politically in April; but he had brought him back to life.

Similar thoughts were running through Van Buren's mind as he watched Skinner playing a mournful monody on the window pane with his gloved fingers. Skinner stopped suddenly as Van Buren gave vent to his long pent-up feelings by exclaiming:

"I hope, Judge, you are now satisfied that there is such a thing in politics as killing a man too dead!"

Skinner stung to the quick, said not a word, and immediately left the room. Van Buren seized his hat and hurriedly throwing his cloak over his shoulders, hastened after his friend and found him at his lodgings, and humbly begged his forgiveness. Skinner never recovered from the sorrow wrought by Clinton's victory, which gradually undermined his frail health; and

one evening, some three years later, he expired in Van Buren's arms.

The defeat of the Regency and the election of Clinton astonished the nation. He was chosen Governor by the unprecedented majority of a few votes less than seventeen thousand. The Regency candidates for Assembly were defeated in a vast majority of districts, and only two of the Regency nominees for Senator were elected. It was a political revolution which placed Clinton in line for the Presidency.

This triumph of the popular will in a State where the forces of reaction were more firmly entrenched than elsewhere in the nation, had a salutary effect on the entire body politic.

CHAPTER XXX

The Legislature was to meet in Albany on Tuesday, November 2, to choose Presidential Electors. But as the polls in the State election did not close until the following night, most of the legislators did not start for the capital until the last of the ballots in the Clinton victory had been counted.

It was apparent as the two houses began balloting separately that Crawford could not get one of New York's thirty-six Electors save by intrigue. The Regency was prostrate, and Van Buren said he was as completely broken down a politician as his bitterest enemies could desire.

In the Senate, "the immortal seventeen" who had been hanged and burned in effigy voted for a Crawford ticket. This was a bare majority. Seven Senators voted for Adams, and an equal number for Clay. But in the Assembly the ranks of the Regency broke. Here only sixty out of one hundred fifty-six stood by Crawford. The opposition was divided between Clay and Adams supporters, fifty for Adams, and thirty-two for Clay. The supporters of these two had a combined strength in the two houses of ninety-six. The Regency could muster only seventy-seven. The inevitable followed: a coalition of the Clay and Adams men.

The respective strengths of the Clay and Adams supporters were fifty-seven and thirty-nine. Under a generous division of the thirty-six Presidential Electors, generous in the apportionment to Adams, Clay would have had fourteen and Adams twenty-two. But after the amalgamation, the magic of intrigue, on which the record is silent, gave Adams twenty-five. If the remainder had gone to Clay, the Kentuckian, and not the Georgian, would have been one of the three highest in the Electoral College, and under the Constitution, Clay and not Crawford, would have been balloted for in the House. Hammond and other contemporary commentators on New York politics hold to the opinion that had Clay been justly treated in Albany, he would have been elected President.

A secret pact was undoubtedly formed between the Regency and the Adams men after the two houses met in joint ballot. This premise is supported by the nomination on Saturday, November 13, of the Adams Electoral ticket, not by an Adams man, but by Oran Follett, a Regency Assemblyman from Genesee, and its support by many members of the Crawford party. Livingston offered a diversion on the same day by presenting a Clay ticket, which was rejected, and a Jackson ticket, which received only twenty-eight votes. "Many," wrote the *Evening Post's* Albany correspondent, "voted for the Jackson ticket who never seriously meant to support it."

By the following Tuesday when the Electors were chosen, the art of the Regency magicians had been so potent that the first ballot resulted in the election of only thirty-two of the thirty-six Electors, of whom twenty-five were for Adams and seven for Clay. A second ballot showed the extent of the betrayal of the Clay party by the Adams men, for the remaining four were Crawford Electors.

These four votes sealed the fate of Clay. The Electoral College which met in Washington on December 1, gave Jackson ninety-nine; Adams, eighty-four; Crawford, forty-one; Clay, thirty-seven. A shift of four votes from Van Buren's candidate to Clay would have eliminated Crawford from the contest. As it was, Crawford had lost two of the New York votes, one being cast for Adams and one for Jackson.

When the latest example of legislative legerdemain was over, Van Buren, downcast, and designedly alone, set out for Washington. At the dining table on the steamboat to New York he found himself sitting beside James Jones, and his sister, the wife of De Witt Clinton. During the meal Jones lowered his voice as he said to Van Buren: "Now is the time admirably fitted for a settlement of all difficulties between Mr. Clinton and yourself."

Van Buren was more in a mood to fight than to make peace—with any one. But he concealed his real feeling by replying that his political fortunes were at a low ebb, but that when they had improved, he would remember the generous proposal; so they talked commonplaces.

On reaching New York Van Buren's intention to continue his journey to Washington alone had not changed. He was not

in any mood for company. Hitherto he and Rufus King had made the trip together. But Van Buren was through with King because of his support of Clinton, and for the further reason that he was an Adams man. He felt that King's indebtedness to him was not discharged, and that he should have supported Crawford.

At the city he found the Patroon waiting for him. The Patroon knew the depths into which Van Buren's spirit had been plunged by Clinton's unprecedented victory. He wanted to companion him on the way. Van Buren was touched by this gentleness, and after paying off his election losses he set out with the grand old Dutchman for Washington.

King overtook them at Philadelphia. This proved more embarrassing than meeting Mrs. Clinton and her brother; for King inquired why Van Buren had not called at Jamaica. This interrogation was put in the most amusing form of diplomatic circumlocution. "William had inquired," said King, "why it was that Mr. Van Buren had, for the first time, passed on without calling." William was King's servant, and venerable and courtly as his master. King added that he had told William he knew of no reason, and did not believe that a good one existed. Van Buren was even more diplomatic: he made a wordy reply which signified nothing.

On reaching Washington, Van Buren and the Patroon, who had abandoned his old friend King to be with Van Buren in his misery, rented a furnished house. They shared it with McLane of Maryland, who had been in the King-Van Buren mess in other years, and Alfred Cuthbert, a new Representative from Georgia.

There was a little good-humored chaffing of Van Buren by his friends in Congress after the vote in the Electoral College was announced. Calhoun was elected Vice President on the first ballot, but Georgia cast her nine votes for Van Buren for Vice President. But the matter did not end here; for Charles King, son of Rufus, published in his (New York) *American*, the following paragraph flattering on its face, yet destined to work mischief by making Van Buren more obnoxious than ever in the eyes of the supporters of Jackson and Clinton:

> The apparent question now before the public is, "Who shall be our next President?" but the real question is, whether Martin Van

Buren shall be President of the United States on and after March 4th, 1833? At that time the great State of New York having never furnished a President, will have irresistible claims to that honor. If any of her citizens are now qualified, the blossoms of eternity, fast gathering upon their heads, will have fallen; they will be superannuated—that is, they will have passed the age of sixty years, that gloomy period when the Constitution of New York declares that judges lose their senses, and that all flesh is grass. In that day Mr. Van Buren will be in the full strength of life, the only New Yorker fit for the Presidency.

Clinton on March 4, 1833, would be sixty-four years of age, and Van Buren slightly over fifty. This would also eliminate the hero of New Orleans, as he would then be sixty-two years old.

Van Buren's mind was taken from "the art and business of President making" by a letter which reached him while the Christmas spirit was at its height. It was from A. G. Hammond, a farmer of Rensselaer County, who wrote that his runaway slave, "Tom," was in Massachusetts. "There is yet some time before he is free," the letter ran, "as he is of that class which will be free July 4th, 1827. He was when young a slave of my father and I think I can induce him to be of some service to me if I own him."

The children were mere toddlers when "Tom" ran away, and their mother was still with them. Hammond wanted "Tom" for "a small compensation." Money was little to Van Buren, but he put a stiff price on the slave—$50—and added an impossible provision: "Tom" must be recovered without violence. "Tom" remained free.

Van Buren was giving all his thoughts to the Presidential election, which would be decided in the House on February 9. On January 22 the Patroon wrote to Solomon Van Rensselaer: ". . . Mr. Clay has taken his ground in favor of Adams, this will insure his election without doubt it is said on the first ballot; but I doubt this, the second or third certainly. . . . We may be divided in our delegation at first. . . . I feel inclined for 'Old Hickory' myself. . . ."

One of Clay's friends, Francis Johnson, a Representative from Kentucky, called on Van Buren and told him of Clay's intention to unite his forces with the Adams supporters. He urged Van Buren to join them, adding that they believed it possible to elect Adams without the assistance of the Crawford party.

Van Buren replied: "I think that very possible; but, Mr. Johnson, I beg you to remember what I now say to you—if you do you will sign Mr. Clay's political death warrant. He will never become President, be your motives as pure as you claim them to be."

Clay was Speaker of the House. Van Buren regarded him as the greatest orator of the day, and always read his printed speeches. But they were never allies, and this visit of Johnson, made in the week ending on January 22, the date of the Patroon's letter, was the first effort to bring the two together.

"During this week," King noted in a memorandum, "rumours circulated that Mr. Clay would, contrary to the instruction of the legislature of Kentucky which requests the Reps. of that state in Congress to vote for Jackson, use his influence in favor of Adams. Saml. Swartwout who was very active in East Jersey to promote the choice of Jackson's Electors in that State, about this time appeared in Washington, and it is understood proposed a reconciliation between Jackson & Crawford, towards which purpose Mrs. Jackson made a visit to Mrs. Crawford, who returned it without delay."

But nothing came of Swartwout's endeavors, and the following Monday Clay publicly avowed himself for Adams. Clay's intimates had been expecting this for months: he had confided his intentions to some of his Kentucky neighbors in November, before he set out for Washington. His reasons he repeated in a letter to Francis P. Blair on January 8, and again in a communication to Francis Brooke, twenty days later. To Brooke he said:

> I have pursued, in regard to it, the rule which I always observe in the discharge of my public duty—I have interrogated my conscience as to what I ought to do, and that faithful guide tells me that I ought to vote for Mr. Adams. I shall fulfill its injunction. Mr. Crawford's state of health, and the circumstances under which he presents himself to the House, appear to me to be conclusive against him. As a friend of liberty, and to the permanence of our institutions, I can not consent, in this early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guaranty that the Republic will march in the fatal road which has conducted every other republic to ruin.

Many, like Clay, objected to Jackson because they feared his elevation to the Presidency would incline the Republic from its wholesome civilian character. Jefferson, himself, held to this language. "I feel much alarm at the prospect of seeing General Jackson President," said Jefferson. "He is one of the most unfit men I know for the place. He has had very little respect for laws and constitutions, and is, in fact, an able military chieftain. His passions are terrible . . . he is a dangerous man." Jackson had advocated hanging the members of the Hartford Convention. He had been a strict, harsh, military disciplinarian, and Binns had printed thousands of the Coffin Handbills, on which the story of the wanton execution of the six militiamen was revived in all its horror with the aid of graphic wood blocks and blood-curdling phrases. And then there were the stories of his almost countless duels and brawls, not lessened in the telling. All these had been told against him.

Now the friends of Crawford and of Jackson, especially the latter, turned accuser, and the ugly charge of offering a Cabinet seat in return for the Presidency was whispered by venomous tongues. Four days after Clay's public announcement of his advocacy of Adams, an anonymous letter, evidently written by a member of the House, repeated the rumor in the *Columbia Observer* of Philadelphia:

> For some time past, the friends of Clay have hinted that they like the Swiss, would fight for those who would pay best. Overtures were said to have been made by the friends of Adams to the friends of Clay, offering him the appointment of Secretary of State, for his aid to elect Adams. And the friends of Clay gave this information to the friends of Jackson, and hinted that, if the friends of Jackson would offer the same price, they would close with them.

Clay answered with a card in the *National Intelligencer* on Monday, suggesting that the letter was a forgery, and if it were not, he stigmatized the member, "whoever he may be, a base and infamous calumniator, a dastard, and a liar."

Thursday's issue of the *Columbian Observer* contained a letter signed by George Kremer, a Representative from Pennsylvania, in which he admitted authorship, and asserted that the accusations could be supported by competent proof.

Clay immediately moved for a House investigation. When invited to appear before the committee of inquiry, Kremer denied its power to interrogate him. Official action ended here. Kremer named several as his informants, and most of them promptly repudiated him. Kremer and his charges were thereupon discredited by all save the more ardent Jacksonites.

On the morning of February 9, when the House convened to elect a President, Van Buren had no misgivings about the result; but he was confident that he could prevent the House from electing Adams on the first ballot by dividing the New York delegation so that there would not be a majority for any of the three candidates. There were then twenty-five States, and it took thirteen to elect.

Adams was sure of twelve votes: the six New England States, Maryland, Louisiana, Kentucky, Missouri, Ohio, and Illinois. Besides his own State, Jackson had New Jersey, Pennsylvania, North Carolina, Alabama, Mississippi, and Indiana. Crawford had only three States in addition to Georgia: Virginia, Delaware, and North Carolina.

These Jackson and Crawford States were regarded as invulnerable. Van Buren intended to deadlock the House on the first two ballots to compel the Adams men to appeal to him for New York's deciding vote.

Before the Patroon left for the Capitol he called on Van Buren and told him that he was considering voting for Jackson. This was of no import, as all Van Buren had planned was to keep any of the Jackson or Crawford members of the New York delegation from voting for Adams. The Adams men numbered seventeen. This was precisely half of the number of the Representatives from New York: they needed another New York Congressman to make a majority. Van Buren told the Patroon that the only effect of his vote for Jackson would be to subject himself to the imputation of fickleness. The Patroon assented to this and said he would stand by Crawford.

But before the Patroon took his seat he was ushered into the Speaker's room where Clay pleaded the cause of Adams, ably supported by Daniel Webster. How could he reply to the mesmerizing arguments of these two masters of eloquence and dialectics? Clay had fresh in his mind the words he had written to

Brooke but five days before: "He [Thomas Ritchie] ought to recollect that he is struggling for a man, I for a country—he to elevate an unfortunate gentleman [Crawford] worn down by disease, I to preserve our youthful institutions from the bane [militarism] which has destroyed all the republics of the old world. . . . All attempts . . . to induce me to give up the defense of our institutions, that we may elect a sick gentleman, who has also been rejected by the great body of the nation, are vain and utterly fruitless. Mr. Ritchie ought to awake, should be himself again, and love Rome more than Cæsar." Both told him that the question of election or no election depended on his vote, and spared no words in depicting the disorganization in governmen which might ensue from a protracted contest such as occurred in 1801.

The Patroon left Clay's office with his intention to vote for Crawford shaken. He went into the House and told McLane of his indecision, urging him to get Van Buren to come from the Senate side of the Capitol at once. McLane sent word through William S. Archer of Virginia. Van Buren replied that the great disparity in their ages, and the sacredness of the moment, forbade any attempt on his part to influence the venerable Patroon, whom he had grown to love as a father. Archer agreed. But the Patroon was not satisfied with the message, and returned word that it was urgent that he talk with Van Buren.

Van Buren assented; but resolved that he would not introduce the subject of the election: the Patroon must do that. It turned out that there was no need of discussing anything with the Patroon, who had meanwhile assured the fourth member of their mess, Cuthbert, that he would not vote for Adams on the first ballot. While this circumstance was being communicated to Van Buren at the entrance to the House, a drama was being enacted inside which would have enraptured Milton. The Patroon was the entire cast.

Van Rensselaer was deeply devout. So was Adams, who never went to bed without saying aloud the simple prayer he had learned at his mother's knee:

> Now I lay me down to sleep,
> I pray the Lord my soul to keep;

If I should die before I wake,
I pray the Lord my soul to take.

When the Patroon's predecessor in Congress had a narrow escape from death when the stage from Philadelphia was overturned, he wrote his kinsman that he had offered thanks to God on learning of his safety.

A cardinal tenet of the Patroon's faith was never to enter upon any great or important undertaking without first invoking the aid of the Deity. After he told Cuthbert that he would not vote for Adams on the first ballot, the solemn arguments of Clay and Webster recurred to his mind, perplexing him more than ever.

The balloting had begun. Now, as never before, the Patroon felt the need of divine guidance. He bowed his gray head on the edge of his desk and prayed. When he removed his hand from his eyes he saw on the carpet at his feet one of the three printed ballots that a few moments before had been with the rest of his papers. The ticket bore the name: John Quincy Adams.

This was the answer to his prayer. The Patroon picked up the ticket and dropped it in the box.

Thus was the sixth President of the United States elected, and so ended Van Buren's plan of dramatizing New York's importance in shattering the Virginia Dynasty's hold on the Presidency.

It was several days before the Patroon told Van Buren why he had voted for Adams. Meanwhile Van Buren was charged with deception by several of Crawford's friends, notably his fellow lodger, McLane, who informed Charles F. Mercer, a Representative of Virginia, that he felt uncomfortable living under the same roof with so base a deceiver.

Van Buren bore this calumny in silence. He could not betray the sacred confidence of the Patroon.

Not a note of partisanship entered into any of Adams's appointments, which were made solely on merit. The nomination for Envoy Extraordinary and Minister Plenipotentiary to Great Britain was omitted from the list. Adams had publicly invited De Witt Clinton to accept the honor, which Clinton declined in like manner, saying he could not retire as Governor of New York until he had an ample opportunity of evincing his gratitude and devotion to the interests of his constituents.

King was not sitting in this special session for his term of office had expired on March 3, and having reached the allotted threescore years and ten, he was looking forward to an honorable retirement. He was still in Washington, but planned to depart on the 6th. The night before he left, the President called unexpectedly at his lodgings and asked him to round out his public career in this important post he had filled when he and the country were both young.

"His first and immediate impulse was to decline it," wrote Adams. He spoke of King's exceptional qualifications for the office, and the satisfaction his acceptance would give to the old Federalists, and thus aid in harmonizing the feelings of the people. King promised to consider the offer; some weeks after he accepted.

On the seventh the Senate confirmed the nominations. Some of the friends of Crawford, and Jackson and his supporters, voted to reject the appointment of Clay as Secretary of State. Van Buren, unwilling to put a stigma on Clay or Adams on the basis of a groundless charge of bargain and corruption—many of the enemies of Adams regarded the nomination of Clay as conclusive proof of the accusation—voted with the majority. Van Buren also knew that Adams had privately offered this place to Clinton before tendering it to Clay.

The seeds of hatred sown by Kremer were already bearing fruit. In Crawford's home state, the minority led by John Clarke, sometime Governor of Georgia, had adopted Van Buren as their stock candidate for lowly offices, some real and some the product of their crude humor. During the organization of the lower house of the Georgia Legislature, the Clarkeites opposed the majority candidate for doorkeeper with Van Buren. Outvoted, they nominated him for dog-whipper in derision of the State's nine Electoral votes cast for him for Vice President.

This jeering jest of the Clarkeites was carried on with mock solemnity. They had ballots printed with various designations of their mock candidate. He was "Little Van," "Whiskey Van," "Blue Whiskey Van," and the like. These tickets were adorned with crude caricatures depicting Van Buren as part fox and part man, half snake and half mink, and in other hybrid forms.

The Clarkeites were giving Van Buren a foretaste of the bitter cup which Fate was preparing for him.

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Lynch, Denis
An epoch and a man

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